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**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION PRETORIA**

CASE NO:32226/2018

(1) REPORTABLE: YES/NO

(2) OF INTEREST TO THE JUDGES: YES/NO

(3) REVISED.

SIGNATURE:

DATE: 28 AUGUST 2025

In the matter between:

ROAD ACCIDENT FUND

Applicant

and

PROMISE MANZINI OBO L[...] M[...]

Respondent

This Judgment was handed down electronically and by circulation to the parties' legal representatives by way of email and shall be uploaded on caselines. The date for hand down is deemed to be on 28 AUGUST 2025

JUDGMENT

MODISA AJ:

[1] This is an opposed rescission application brought by the Applicant against the Respondent after the order was granted in the absence and/or a default of appearance on behalf of the Applicant.

[2] The Applicant relies on the provision of Rule 42(1)(a) of the Uniform Rules of Court in that the judgment and/or order was erroneously sought or granted in its absence and *alternatively* relies on common law grounds. The judgment sought to be rescinded was granted on 09 February 2023.

[3] I have taken a decision to deal with this application holistically both on the aspects of condonation for the late filing of the rescission application and the merits of the matter.

[4] The application is premised on the ground that the awards made in respect of loss of earnings and general damages are unreasonable and overstated. The chief submission by the Applicant is that the awards are overstated however the Applicant does not proffer a basis in fact or law to fortify such a submission as it will be demonstrated herein-below.

[5] The Plaintiff who was a minor was involved in an accident on 22 June 2017 as a result of which she lodged a claim against the Applicant on the 10th of October 2017.

[6] Summons commencing action was issued and served to the Applicant on 9th of May 2018.

[7] The Notice of Intention to Defend and the Plea were served to the Respondent respectively on the 24th of May 2018 and the 30th of May 2018 by **MKHONTO AND NGWENYA INC**, Applicant's attorneys of record. The exchange of pleadings and notices continued between the parties until the Applicant decided to terminate the mandate of its attorneys of record in 2020. On receipt of the Notice of Withdrawal as attorneys of Record from the Applicant's attorneys, the Respondent started to engage the Applicant directly in an endeavour to settle the matter and to have it active in the litigation process.

[8] The endeavours made by the Respondent includes but not limited to correspondences requesting settlement and pre-trial conferences, notifying it of trial

date and requesting appointment of new attorneys of record and submission of medico-legal reports as well as uploading of Court order. All this were met with silence as demonstrated by the Respondent in paragraphs 15 of her Answering Affidavit.

[9] The Applicant had knowledge of the action brought against it and was aware of the steps required to avoid default judgement and it deliberately, being free to do so, failed or omitted to take steps which would have avoided a default judgement.

[10] It is against this background that the Applicant had adopted the posture of a reluctant and lethargic litigant at all material stages of this legal process and therefore, being in wilful default, must appreciate the legal consequences of its actions or lack thereof.

POINTS IN LIMINE

I. Condonation

[11] The judgement that the Applicant wishes to have rescinded was granted on the 09th of February 2023 and uploaded on caseline on the 23th of February 2023. The Applicant alleges that it became aware of the judgement on the 07th of March 2023 but brought the application on the 26 October 2023. The proverbial clock started to run from the date the Applicant became aware of the Court order. It was therefore brought after six month which is an unreasonably long delay which cannot be explained or justified.

[12] In **TURNBULL JACKSON V HIBISCUS COAST MUNICIPALITY 2014 (11) BCLR 1310 CC** the following was stated: *“In this Court the test for determining whether condonation should be granted or refused is the interest of justice. Factors that the Court weighs in that inquiry include: the length of the delay, the explanation for, or cause of the delay, the prospects of success for the party seeking condonation, the importance of the issues that the matter raises, the prejudice to the other party or parties and the effect of the delay on the administration of justice...”*

[13] The Applicant suggest that the withdrawal of its attorneys of record in 2020 and its subsequent litigation to procure the files back is a reason for delay. This explanation is not relevant, let alone sufficient, for the delay. It does not deal with what happened from date of judgement to date of application. The issues of 2020 were already resolved, therefore of no moment and do not have any impact on the delay as state attorneys were already appointed in 2023 and attending to matters on behalf of the Applicant.

[14] This is the matter where the Applicant did nothing for a long period of time while at all material times was aware of the judgement. There are no good reasons proffered for the delay. The Applicant simply failed to instruct the state attorney timeously.

[15] The explanation must cover the entire period of the delay. In this matter there is no adequate explanation for the delay between the day on which it became aware of the judgement and the launching of the application except to say that the state attorney was not available.

[16] The Applicant does not take the Court into confidence by explaining when was the memorandum prepared and when was it approved and when was it acted upon and when was the state attorney appointed to finalize the application. Its explanation lacks chronology of events and specificity.

[17] In **MULAUDZI V OLD MUTUAL LIFE INSURANCE 2017(6) SA 90 SCA** the Supreme Court of Appeal stated with approval what was said in **RENNIE V KAMBY FARMS PTY LTD** that it is advisable where application for condonation is made, that the Applicant should set forth briefly and succinctly such essential information as may enable the Court to assess an Applicant's prospect of success.

[18] The fact that the state attorney was not available cannot constitute sufficient and acceptable reason for the delay otherwise the Court processes will be handicapped due to unavailability of state attorneys which will be a mockery to our justice system. Justice cannot be delayed or suspended simply because the Applicant has not appointed attorneys after it dissolved its own panel of attorneys.

II. Wilful Default

[19] The Respondent takes issue with the Applicant's submissions that it was not in wilful default. The Applicant was at all material times aware of the trial date and the steps taken by the Respondent to bring this matter to finality and did nothing and continued to ignore all the processes to a point of telling the Respondent that it will wait for the Court order.

[20] The Applicant has shown no good reason for not defending the action, its failure to defend was actually deliberate. In paragraph 20 of its Founding Affidavit the Applicant confirms that state attorney only started to attend to trial matters in July/august 2021. It follows that in February 2023 when this matter was on trial they were already attending to trial matters but no reason is proffered as to why was this matter was not defended despite numerous reminders from the Respondent.

[21] The Applicant failed to give any reasonable explanation for his default. The crisis at the office of the Applicant which is proffered as an explanation for default was long resolved before this matter came to Court.

[22] In **SILBER V OZEN WHOLESALERS PTY LTD 1954 (2) SA 345 (A) at 353A** it was held that the explanation for the default must be sufficiently full to enable the Court to understand how it came about and to assess the Applicant's conduct and motives. In the present case the Applicant simply makes general statements about the calamities visited upon by the Applicant which on its own admission were resolved in July/August 2021.

[23] The Court hearing the application must consider the wilful or negligent nature of the Applicant's default in the exercise of its discretion in order to determine whether or not good cause is shown.¹ It follows that the Applicant must set out reasons for his default in order for the Court to consider whether the default was wilful. The Respondent demonstrates from paragraph 15 to 26 what steps she took

¹ HARRIS V ABSA BANK LIMITED 2006 (4) SA 527 (T) at 530-531.

to engage and invite the Applicant to litigation or settlement of the matter and to no avail.

[24] In **CHETTY V LAW SOCIETY OF TRANSVAAL 1985 (2) SA 756 (A)** Miller JA at 765 D-E said: *“An ordered judicial process would be negated if, on the other hand, a party who could offer no explanation of his default other than his disdain of rules was nevertheless permitted to have a judgement against him rescinded on the grounds that he had reasonable prospects of success on merits”*

[25] To demonstrate that the Applicant's conduct was wilful and deliberate one only need to look at the Applicant's founding affidavit wherein it states that it chooses which matters to attend Court for and those that they do not attend waits for Court orders and assess same for purpose of rescinding same. This indeed amount to wilful neglect and disdain of rules. It is clear that the Applicant made a deliberate decision not to appear in Court. This point is emphasised in paragraph 14.3 of the Respondent's answering affidavit.

III. **Good Faith and Bona Fide Defence**

[26] The Applicant has not brought this application in good faith. This application is an attempt to not only delay but to avoid satisfying the judgement debt. It is an obstacle placed in the Respondent's way who is acting to hold the Applicant accountable and honour the Court order. This constitute an abuse of the Court process.

[27] If indeed the Applicant was acting in good faith, it could have made an interim payment as it suggested. It refers and want to rely on the different amount as appears in the Actuarial report it cited in the amount of R3 997 371.00 but still refuses to make an interim payment. The making of an interim payment would have demonstrated good faith on its part.

[28] The Applicant deals cursorily with the defence to the claim. He simply states that the amount are overstated without proffering reasons or basis for that averment.

[29] It was held in **STANDARD BANK V EL-NADDAF 1999(4) SA 779 (W)** at **784D-F** that the defence must also be bona fide and the nature of the grounds of the defence and the material facts relied upon must be fully disclosed. The Applicant failed to disclose the material facts upon which he relies to aver that the awards are overstated or unreasonable. It has not sufficiently explained its defence.

[30] The Applicant simply restates the opinions and finding of the experts relied upon by the Respondent and he does not even attempt to highlight the facts or opinions which he is dissatisfied with and has no corresponding reports to challenge the opinions of the experts appointed by the Respondent. He has not presented evidence which shows a prima facie case which raises triable issues.

IV. **Prejudice**

[31] The Respondent has already suffered prejudice due to the delay in processing and finalising the claim and also due to non-payment of the claim as per the Court order.

[32] The Respondent is impecunious and unemployed and will suffer more prejudice should the application be granted as it will necessitate more delays in the finalisation of the matter.

V. **Prospects of Success**

[33] The Applicant does not address prospects of success in its application. Its failure to deal with the issue bear testimony to the fact that it has no prospects of success.

[34] In **CHETTY** supra it was held that “for obvious reasons a party showing no prospects of success on the merits will fail in an application for rescission of a default judgement against him no matter how reasonable and convincing his explanation of his default.

[35] The Applicant simply states that the amount are overstated without giving reasons or the basis for this general submission. It is not enough to simply feel that the amount is too high, one should demonstrate by way of evidence of which the Applicant does not have. The Applicant failed to demonstrate that it has prospects of success

VI. **Interests of Justice**

[36] The Respondent was injured in an accident on 22 June 2017, it took almost six years for this matter to see the light of the Court. It is not in the interest of justice to have this matter delayed further for two or three years to enable the Applicant to do what it should have done in the past six years with all the resources available to it as an organ of state. The interest of justice demands that there should be finality in this matter.

[37] The interest of justice support coming to the aid of the Respondent who is impecunious and in need of medical treatment having regard to the injuries sustained and the sequelae thereto.

[38] In paragraph 22.5 of its Founding Affidavit the Applicant mention, and correctly so, that it is meant to protect the interests of the people it was created to assist. The Respondent is one of the people it meant to protect and assist and it has failed to do so thus denying her justice. It is in the interest of justice that she should be protected against further unnecessary and unwarranted delays.

[39] Applications of this sort pile cost upon cost favouring the Applicant with big resources as compared to the Respondent. The interest of justice will be hampered by allowing state organs in wilful default and disregard of rules of Court to bring unmeritorious applications

VII. **Importance of the Matter**

[40] The importance of this matter should be seen against the following factors:

a. The purpose of the Road Accident Fund Act is to give widest protection to, and to compensate fairly and reasonably, the victims of the accident. Many victims of accident seeking justice are heavily depended on attorneys taking their cases on contingency basis and such attorneys would be reluctant to provide support needed for litigation if they fear that default judgements will be invariably rescinded leading to more delays and escalation of costs and this will have a chilling effect on access to justice and deprive many of the protection afforded by the aforesaid Act.

b. The Applicant's contention that the award made in favour of the Respondent amount to overcompensation, undue enrichment and fruitless and wasteful expenditure as described in the Public Finance Management Act is misplaced.

c. An award made by a competent Court of law, having considered all the expert evidence and submissions made by counsel, cannot be regarded as fruitless and wasteful expenditure. The Court awarded what it considered to be fair and reasonable as required by the relevant legislation and after considering all available evidence before it.

[41] Indeed, as reiterated in **CHETTY** *supra*, an ordered judicial process would be negated if a party who wilfully default and show disdain of rules of Court was nevertheless permitted to have a judgement against him rescinded. It is also in the public interest that there should be finality in litigation.

[42] To allow a delinquent and lethargic litigant to always ignore Court processes and thereafter make applications for rescission will have a disastrous effect on the observance of the rules of Court and will set a dangerous precedent and a floodgate of unwarranted and meritless applications as is the case in this matter.

[43] The Constitutional Court emphasised in **TURNBULL-JACKSON** *supra* that the Court has in the past cautioned against non compliance with the rules and directions. The words of Bosielo AJ bear repetition:

“I need to remind practitioners and litigants that the rules and Court’s directions serve a necessary purpose. Their primary aim is to ensure that the business of our Courts is run effectively and efficiently. Invariably this will lead to the orderly management of our Courts’ roll, which in turn will bring about expeditious disposal of cases in the most cost effective manner. This is particularly important given the ever-increasing costs of litigation, which if left unchecked will make access to justice too expensive’.

[44] The application of this kind are now flooding our Courts and soon will be clogging the Court rolls and it is therefore not in interest of the effective and efficient running of administration of justice that delinquent and lethargic litigants should be given an “opportunity to canvas issues” which they could have done previously and wilfully neglected to do so.

[45] This kind of application for rescission of judgement against the Applicant, whatever the outcome, might ordinarily bear not only on the interests of the Respondent in this matter, but on the rights of all those in similar situations bearing in mind the applications are expected to arise frequently due to the deliberate conduct of the Applicant and the position it took in not defending some of the matters.

[46] I am of the view that the Applicant has failed to canvas all the legal requirements for condonation in particular to deal extensively with sufficient particularity of the degree of lateness for the failure to launch the application timeously and to deal with the issue of prospects of success.

[47] In the circumstances, the condonation application ought to be dismissed.

AMBIT OF RULE 42(1)(a)

[48] The Applicant has failed to satisfy the requirements for a rescission of judgement in terms of Rule 42(1)(a) of the Uniform Rules of Court. The Respondent deals with this aspect extensively in paragraph 14.2 to 14.3 of her Answering Affidavit.

In terms of this Rule the Court is empowered to *rescind or vary an order or*

[49] *judgement erroneously sought or erroneously granted*. The Applicant main submission is not that the order was erroneously sought or granted but that the award is overstated. There are no reasons proffered in fact or law as to why the Applicant alleges that the amounts are overstated.

[50] The import of Rule 42 was explained by the Constitutional Court in **ZUMA V SECRETARY OF THE JUDICIAL COMMISSION OF ENQUIRY INTO ALLEGATIONS OF STATE CAPTURE 2021 ZACC**² 28 at para 53 as follows:

“...The precise wording of Rule 42 after all, postulates that a Court “may”, not “must” rescind or vary its order-the rule is merely an empowering section and does not compel the Court to set aside or rescind anything. This discretion must be exercised judicially”.

[51] It goes without saying that for the Court to exercise its discretion it must be placed in a position to do so by outlining the basis upon which it is alleged that the award is overstated. The Applicant has failed to do so. The Applicant simply says it wants rescission in order to enable it to canvass the issues raised herein. The Applicant has not raised any triable issues except to repeat the contents of the expert reports without even highlighting what is contested or challenged. It was even afforded enough opportunity to contest the action and raise any issue it had a disquiet about and chose not to do so despite numerous invitations by the Respondent.

[52] In the present case it cannot be said that the judgement was erroneously granted or sought when one considers the fact that the Court having read the papers and submissions quite justifiably decided to grant the relief sought. The Court had before it pleadings, expert evidence and written submissions which made much explicit the basis of the claim and having read the papers quite justifiably decided to grant relief sought by the Respondent.

² 2021 (11) BCLR 1263 (CC) (17 September 2021)

[53] In paragraph 22.4 of its Founding affidavit the Applicant states that the application is brought to place the Court in a better position to adjudicate on the matter. The Court was in a better position to adjudicate on the matter at it was placed in possession of all the relevant information and medico legal reports, the same uncontested reports the Applicant recited in its founding affidavit, to consider and make a ruling.

[54] It bears to mention that the order granted by Mbongwe J clearly state that the Court” HAVING READ DOCUMENTS FILED OF RECORD AND HAVING HEARED COUNSEL..”. This bear testimony that the Court considered all the facts and submissions made and applied its mind before granting judgement. The judgement was therefore not erroneously granted.

[55] To merely feel that the award is overstated can therefore not fall within the ambit of “*erroneously granted judgement*” and therefore rule 42 is not appropriately invoked.

[56] I agree with Counsel for the Respondent that the Applicant intends to widen the scope of Rule 42 or the ambit thereof.

COMMON LAW

[57] The Applicant’s case is not premised on common law. At no stage in its papers does the Applicant aver that it is bringing this Application under common law.

[58] The test for rescission under common law is trite, namely that good cause must be shown. In order to establish good cause the Applicant must set forth a reasonable explanation for the default and bona fide defence.

[59] In **CHETTY** supra the Court noted that two essential elements of sufficient cause are:

- a. the party seeking relief must present a reasonable and acceptable explanation for his default, and

b. that on merits such party has a bona fide defence which, prima facie, carries some prospects of success.

[60] The Applicant's explanation is not reasonable and acceptable as it elected not to defend matters or appoint attorneys to do so. It had a choice and it accordingly exercised it.

[61] In **HARRIS V ABSA 2006 (4) SA 527 (T)** it was held that a decision freely taken to refrain from filing a notice to defend or a plea or from appearing would ordinarily weigh heavily against an Applicant required to establish sufficient cause. The Applicant indeed took a decision freely to refrain from participating in the litigation and therefore has failed to establish a sufficient cause.

[62] In **GRANT V PLUMBERS PTY LTD 1949(2) SA 470 0 at 476-477** it was stated that :

a) *He must give a reasonable explanation for his default. If it appears that his default was wilful or that it was due to gross negligence the Court should not come to his assistance.*

b) *His application must be bona fide and not made with intention of merely delaying plaintiff's claim.*

c) *He must show that he has a bona fide defence to plaintiff's claim. It is sufficient if he makes out a prima facie defence in the sense of setting out averments which, if established at the trial, would entitle him to relief asked for..."*

[63] The Applicant's default was indeed wilful and that the Application is not bona fide as it only designed to delay payment and frustrate the Respondent who followed the law to the latter and it failed to set out averments establishing bona fide defence.

[64] In **ZUMA** *supra* the Constitutional Court restated the two requirements for the granting of application for rescission that need to be satisfied under the common law as being the following:

“first the Applicant must furnish reasonable and satisfactory explanation for its default.

Second, it must show that it has a bona fide defence which prima facie carries some prospects of success on the merits”

PLAINTIFF’S /RESPONDENT’S DAMAGES

[65] The Applicant’s contention is that it does not know how the Court arrived at the amount of R4 681 386.00. The fact that the Applicant does not know how the Court arrived at the aforesaid amount is not a good reason or acceptable reason to have the order rescinded.

[66] The Applicant in its Founding Affidavit chose to selectively highlight one portion of the report by the Industrial Psychologist which states that the Respondent remain employable and deliberately ignores to mention the findings and opinion reflected in the Addendum Report of the Industrial Psychologist.

[67] The Applicant also makes reference to one portion of the Actuarial Report without disclosing that there are different scenarios postulated based on the objective interpretation of the Addendum Report by the Industrial Psychologist.

[68] It is noted in the Addendum Report, which was not quoted in full by the Applicant, that *the functional limitations are likely to limit her to guarded unskilled work in the non corporate sector and guarded sympathetic employment usually requires strong referrals of which without them the claimant might struggle to secure and hold employment.*

[69] Based on the above, the most realistic scenario adopted from the three calculations has been that she will remain unemployed as it is the case to date.

[70] In relation to the application of contingency deductions, the trial Court is not bound by the contingencies reflected by an Actuary and it has a discretion to apply its own contingencies based on facts before it. As indicated by the Respondent in her answering affidavit the trial Court exercised its discretion and applied different contingency deductions.

I. **Past Loss of Earnings**

[71] Instead of a normal 5% as applied in Actuarial Report, the trial Court applied 10% contingency deduction thus reducing the claim for past loss of earnings to R208 052.00. It is submitted that this amount is not overstated and cannot be faulted.

II. **Future Loss of Earnings**

[72] The normal contingency deduction is 15%. Having regard to the age of the Plaintiff and the calculations which extends over a fairly considerable period it was suggested that a 20% contingency deduction should be applied instead of the normal 15% and the future loss of earnings amounted to R4 473 334.00 .

[73] The total loss of earnings amounted to R4 681 386.00 as reflected in the trial Court Order.

[74] Counsel for the Respondent made submissions about contingency deductions which were applied in the special damages claim for loss of earning in that a 10% contingency deduction was applied instead of 5% which is a higher contingency deduction on past laws and a 20% contingency deduction was applied instead of 50% on future loss of earnings.

III. **General Damages**

[75] Counsel for the Respondent also indicated that the general damages awarded was fair and reasonable having regard to the fact that the claimant was a female person who sustained serious injuries inclusive of loss of teeth, loss of hair and

some disfigurement which justified the amount awarded by Court which granted default judgment.

[76] The Applicant in its founding affidavit repeats but not in details the findings of the experts appointed by the Respondent without contesting or challenging them as it has no basis to do so in fact or in law.

[77] An award for general damages falls within the discretion of the trial Court and was informed by case law and the following factors which are contained in the same reports highlighted by the Applicant in its Founding Affidavit:

the Respondent sustained a moderate traumatic brain injury

the Respondent suffered loss of seven teeth and two broken teeth

the Respondent had facial multiple bruises

the Respondent had soft tissue injuries on both knees

the Respondent suffers from epilepsy

the Respondent has cognitive and behavioural changes in a form of aggression

the Respondent suffers from headaches and dizziness

the Respondent has poor memory and decreased concentration

the Respondent has concentration problems

the facial scars constitute permanent facial disfigurement and has resulted in poor self-image , losing confidence to smile and lowered her self-esteem at a young age.

the Respondent has hairless patch on the scalp and hair cannot grow

the Respondent has swelling and reduced sensation on the side of the face

the Respondent has severe depression and severe anxiety

[78] The Court awarded the amount of R1 800 000,00 which it considered to be fair and reasonable based on the above injuries and the above multiple sequelae presented by experts witness and fortified by case authorities presented in Court. The aforesaid amount is not overstated.

COSTS

[79] The Applicant is an organ of state which use tax payers money and it is therefore required and expected to follow and honour the rules of Court and has a statutory obligation to assess claims and settle them expeditiously to avoid unnecessary and costly litigation. The Applicant has done the opposite in this matter.

[80] In **Ferreira v Levin 1996 (2) SA 621 (CC)** the Court indicated that some of the factors to be looked at in dealing with the issue of costs are:

- a) The conduct of the parties
- b) The conduct of their legal representatives
- c) The nature of the litigant
- d) The nature of the proceedings

[81] The Constitutional Court held in **TRUSTEES OF BIOWATCH TRUST V REGISTRER GENERIC RESOURCES 2009 (6) SA 232 (CC)** at para 18 that a litigant "should not be immunized from appropriate sanctions if its conduct has been vexatious, frivolous, professionally unbecoming and abusive of the process of the Court"

[82] The application is vexatious and is meant to frustrate the Respondent and delay payment.

[83] The Applicant was in wilful default.

[84] The Applicant has shown disdain or disregard of the rules of Court

[85] The Applicant committed gross neglect of its statutory obligations.

[86] The Applicant had no bona fide defence

[87] In so far as the issue of costs is concerned, Counsel for the Respondent requested a punitive costs order to be granted against the Applicant.

[88] The reasons for a request for a punitive costs order was that the claim's handler indicated that they will wait for the Court order and despite being warned that the matter is in Court and therefor they were also in wilful default.

[89] Secondly, it was submitted on behalf of the Respondent that interim payment was requested as a condition for not opposing the rescission and non was forthcoming.

[90] This is clearly causing prejudice to the Respondent being a litigant having regard to the fact that this civil claim emanates from as far as 2018.

[91] In the circumstances, I grant an order in the following terms:

1. That the Applicant's application for condonation for the late filing of its rescission of judgement is hereby dismissed.
2. That the Applicant's application for rescission of judgment against Honourable Judge Mbongwe's Court order dated the 9th of February 2023 is hereby dismissed.

3. That the Applicant is hereby ordered to make payment to the Respondent in terms of Honourable Judge Mbongwe's Court order dated the 9th of February 2023 within 14 (fourteen) days from date of this Court order.

4. Interest shall be charged on the Judgment amount at the and the applicable prescribed rate per annum calculated 14 (FOURTEEN) days from date of Judgment (9th of February 2023). The above amount shall be payable into the Attorneys' Trust Account as follows: - Account Name:

Ramokgaba Gonese Attorneys

Bank: Nedbank

Type of Account: Trust account

Account Number: 1[...]

Branch Code: 198765

Reference Number: TRG/TN/MVA00033/PMLM LINK N

5. That the Respondent pays costs of this application on attorney and own client scale.

MODISA AJ
ACTING JUDGE OF THE HIGH COURT

DATE OF HEARING: 30 JULY 2025

DATE OF JUDGMENT: 27 AUGUST 2025

APPEARANCES:

On behalf of the Applicant: Counsel Adv H Shilenge

Instructed by: State Attorney, Pretoria

On behalf of the Respondent: Adv: R M PHIRI

Instructed by: Ramokgaba Gonese Attorneys Inc.