

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE

CASE NO: 1227/2023

(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO THE JUDGES: YES/NO
(3)	REVISED.
DATE: 19/09/2023	SIGNATURE: [Redacted]

In the matter between:

DHR Consulting (Pty) Ltd

Applicant

And

Bonita Rodrigues Gomes

1st Respondent

Erasmus Group Holdings(Pty) Ltd

2nd Respondent

Paledi Super Spar & Tops

3rd Respondent

Thornhill Super Spar & Tops

4th Respondent

Istores Messina (Pty) Ltd

5th Respondent

Cross Spar & Tops

6th Respondent

Messina Super Spar Nasionale Weg

7th Respondent

Taximark (Pty) Ltd t/a Kathu Super Spar & Tops

8th Respondent

Delivered: This judgment is handed down electronically by circulation to the parties through their legal representatives' email addresses. The date for the hand-down is deemed to be the 19th September 2025

JUDGEMENT

1. This is the variation of the court order in terms of Rule 42(1)(b) of the Uniform Rules.
2. It follows the judgment and order made on the 20th May 2024.
3. The variation relates to the last part of order (a) where mentioned the date of the 21st February 2024.

4. It was brought to my attention that when the cost consultant on behalf of the respondent(s) presented a bill for taxation, it was discovered that this matter has no reserved cost of the 21st February 2024.
5. The only reserved court order is the court order by Mthimkhulu AJ of the 21st February 2023. The Taxing Master can thus only deal with the recorded reserved cost order of the 21st February 2023.
6. The documents given to me indicate that the applicant's attorneys were contacted about this error. I have no record of their response.
7. Given that there was never a reserved costs order of the 21st February 2024, there was an error on my part to have granted the costs order of the 21st February 2024 instead of the 21st February 2023.
8. As the court of the 20th May 2024 is the order referred to in section 165(5) of the Constitution which binds all the affected parties, the way to revisit and vary it is in terms of Rule 42(1)(b) of the Uniform Rules, hence this order.
9. There can be no prejudice to the applicant as it is common cause that the only reserved costs is Mthimkhulu AJ reserved costs order of the 21st February 2023.
10. Court order (a) is varied as follows:

Order

- (a) The applicant is ordered to pay the respondents costs on attorney and client's scale up to the 26th February 2024, including the costs of the 21st February 2023


[REDACTED]

LEDWABA AJ
ACTING JUDGE OF THE HIGH COURT,
POLOKWANE; LIMPOPO DIVISION

APPEARANCES

FOR THE APPLICANT : Adv M Bresler :
INSTRUCTED BY: Ehlers Law Incorporated
Unit 7 Pro Park
29 Bendor Drive
POLOKWANE

FOR THE RESPONDENTS : Adv M Snyman SC
Adv N Nortje
INSTRUCTED BY : ML Schoeman
C/O Rheeder Attorneys
56A Hoog Street
POLOKWANE

DATE OF VARIATION : 19 September 2025

DATE OF JUDGEMENT : 19 September 2025