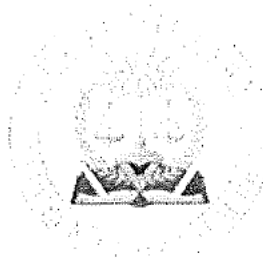


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO

13/10/2025

DATE

M M ANTONIE

CASE NO: 2025-183282

In the matter between:

ROYAL TRADING ENTERPRISE (PTY) LTD

First Applicant

XOLANE MAXIM MAXEGWANA

Second Applicant

RICHARD ZAMILE MAXEGWANA

Third Applicant

and

PHEZULU ILANGA VENDING (PTY) LTD

First Respondent

TOP VENDING (PTY) LTD

Second Respondent

DIRK KENNETH TUCKER

Third Respondent

STEWART BERIC BROWN

Fourth Respondent

JUDGMENT

ANTONIE AJ:

- [1] This matter came before me as an *ex parte* application on 7 October 2025. The applicants were represented by the second applicant. In the notice of motion, the applicants sought wide ranging relief including an order that First National Bank be interdicted and restrained from allowing any funds to be withdrawn or transferred from the bank account/s held by the second respondent.
- [2] I stood the application down until 11h30 on 8 October 2025 in order to give me an opportunity to consider the application which, together with the annexures, was voluminous. When the application was called, I granted an interim order in terms of which, *inter alia*, I interdicted both First National Bank and the directors, agents and employees of the second respondent from transacting on the FNB account. That order is to be found on CaseLines at 078-3 to 078-5.
- [3] At approximately 12h35 on 8 October 2025, I received a message from my secretary to advise that counsel and attorney for the second, third and fourth respondents had approached her and advised that they wished to be heard and have the order that I had made approximately 45 minutes earlier, recalled. I instructed my secretary to advise counsel for the respondents to upload whatever documentation they had exchanged with the applicants (if any) and that I would convene court at 13h30.
- [4] Prior to convening to hear the respondents, the respondents' attorney uploaded a notice of intention to oppose¹ and proof of service of the notice of intention to oppose which was an email that had been sent to, *inter alia*, the second applicant at 09h02 on Wednesday, 8 October 2025. I was also furnished with a letter that had been addressed to the Deputy Judge President on 8 October 2025 advising that the respondents wished to oppose the relief sought in the *ex parte* application and that, on the previous afternoon, during a telephone conversation between the respondents'

¹ CaseLines, 007-2 – 007-3

attorney and the second applicant, the second applicant refused to furnish the attorney with a copy of the application.

[5] When the matter was called at 13h30 on 8 October 2025, and after questioning by me, the second applicant conceded:

[a] He had refused to furnish the respondents' attorney with a copy of the *ex parte* application.

[b] He had received the notice of intention to oppose at 09h02 that morning.

[c] He had failed, prior to my granting the interim order, to draw any of these facts to my attention.

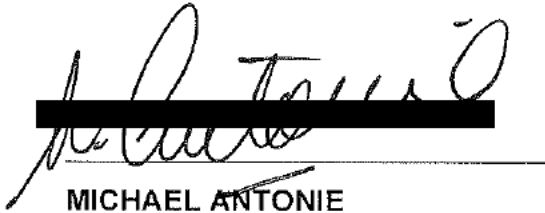
[6] It was clear to me that the applicants had failed to disclose material facts to the court and, in my view, had acted dishonestly. At the request of respondents' counsel and having regard to the applicants' deliberate failure to disclose all material information to me, I granted the following order.²

[a] The order that I made this morning is recalled with immediate effect.

[b] The *ex parte* application brought by the applicants is struck from the roll with costs on an attorney and client scale, including costs on scale C.

[c] The applicant is to serve the *ex parte* application on each of the respondents per Sheriff before the matter may be enrolled again.

² CaseLines 078-1 to 078-2



MICHAEL ANTONIE

Acting Judge of the High Court

Gauteng Local Division, Johannesburg

Date of Hearing: 8 October 2025

Date of Judgment: 13 October 2025

For the Applicants: Second Applicant

For the Respondent: Adv J Maxwell

Instructed by: Swartz Weil Van der Merwe Greenberg Inc

Delivered:

This judgment was handed down electronically by circulation to the parties' legal representatives by email. The date for the hand down is deemed to be 13 October 2025