

**THE APOSTOLIC FAITH MISSION OF SOUTH
AFRICA**

SIXTEENTH RESPONDENT

**THE APOSTOLIC FAITH MISSION OF SOUTH
AFRICA – KWAZULU MIDLANDS REGIONAL
LEADERSHIP FORUM**

SEVENTEENTH RESPONDENT

ORDER

Having considered the matter, the following order is made:

1. The 'Task Team' formed by the first to eleventh respondents is declared to be an unconstitutional and unlawful structure within the Apostolic Faith Mission of South Africa (AFM) and is dissolved with immediate effect.
2. The applicant, being the Governing Body of the AFM of SA Imbali Worship Centre Assembly, is declared to be the only lawful governing body vested with authority to manage the affairs of the Assembly and its branches, including the bank account held with First National Bank.
3. All decisions and resolutions taken by the Task Team are declared invalid and of no force and effect.
4. The first to fourteenth respondents are interdicted and restrained from interfering with the governance of the AFM of SA Imbali Worship Centre Assembly, save in accordance with the AFM Constitution.
5. The fifteenth respondent (First National Bank) is directed, upon presentation of this order and the applicant's authorising resolution, to recognise the applicant's duly appointed signatories and disregard any contrary authorisations.
6. The first to fourteenth respondents are to pay the costs of the application jointly and severally, the one paying the others to be absolved.

JUDGMENT

Delivered: 22 October 2025

MASIPA J

Introduction

[1] This application arises from a governance dispute within the Apostolic Faith Mission of South Africa (AFM), Imbali Worship Centre Assembly, concerning the authority of the Applicant and the legitimacy of a parallel 'Task Team' constituted by certain respondents. The Applicant seeks declaratory and interdictory relief to give effect to the rulings of the AFM's internal appeal bodies the Regional Appeals Committee and the National Appeals Committee which reinstated the applicant and directed the disbandment of the Task Team.

Scope of the matter before court

[2] Two distinct disputes emerge from the papers. The first, which is properly before this Court, concerns the disbandment of the Church Council (or Governing Body) of the AFM Imbali Worship Centre Assembly and the subsequent formation of a self-styled Task Team. That dispute was considered by both the Regional Appeals Committee and the National Appeals Committee of the AFM, each ruling in favour of reinstating the original Governing Body. It is this issue that forms the subject of this application.

[3] The second dispute raised primarily by the first respondent in his opposing papers relates to his alleged unlawful termination as presiding pastor on 24 May 2022. That issue was not properly before me, there being no counter-application or independent review challenging his dismissal. Consequently, I make no determination on that issue.

[4] The application was initially brought by way of *rule nisi* seeking urgent interim relief. However, as the matter evolved procedurally and the internal appeal rulings became final, the relief now sought is final and declaratory in nature. The application was first placed before this Court on 6 September 2023 seeking urgent interim declaratory relief in the following terms:

1. Declaring the Task Team formed by the First to Eleventh Respondents to be unconstitutional church structure that is dissolved with immediate effect;

2. Declaring that the Governing Body of the AFM of SA Imbali Worship Centre is the only governing body vested with authority to govern and manage the affairs of the AFM of SA Imbali Worship Assembly and its branches, including the right to the banking account held with First National Bank;
3. Declaring all decisions and resolution taken by the Task Team formed by the First Eleventh Respondents to be invalid and of no force and effect;
4. That the Respondents are Interdicted from interfering with the governance by the Applicant of the AFM of SA Imbali Worship Centre Assembly, save and unless the Respondents challenge such governance in terms of the Constitution of the AFM of SA;
5. Declaring that the internal grievance procedure of the AFM of SA is the proper and lawful remedy available to the First to Eleventh Respondents or any other aggrieved Church member with regard to the governance by the Applicant of the AFM of SA Imbali Worship Centre Assembly;
6. That the bank account ending with ***6[...] held with First National Bank at 2[...] B[...] Street, Pietermaritzburg is frozen with immediate effect pending finalisation of this application;
7. The First to the Eleventh Respondents to pay costs of this application on the scale of attorney are own client, jointly and severally, the ne paying the other to be absolved;
8. Interdicting and restraining the First to Eleventh Respondents from operating any bank accounts pertaining to the AFM of SA Imbali Worship Centre Assembly (irrespective of where such accounts are held); and
9. Further and/or alternative relief.

[5] When the matter first came before the Court on 6 September 2023, the interim relief was not granted. The only order made was for the joinder of the Sixteenth and Seventeenth respondents being the *Regional* and *National Leadership Structures* of the AFM to assist the Court on the interpretation of the AFM Constitution. The Sixteenth and Seventeenth respondents were represented by counsel at the subsequent hearing. They did not file heads of argument and their counsel informed the Court that they would abide the decision of the Court.

[6] When the matter was argued on 12 September 2025, the parties agreed that, given the passage of time and the developments within the Church, the relief sought was no longer interim. The matter was accordingly argued on the basis that the

applicant now sought final declaratory and interdictory relief. This judgment therefore determines the final relief as was agreed to by the parties at the commencement of their oral submissions.

The condonation application

[7] When the matter was first set down for hearing on 1 May 2025, counsel for the first to fourteenth respondents sought condonation for the late filing of a replying affidavit to the affidavit of the sixteenth and seventeenth respondents. The latter, while abiding the decision of the Court, had filed a short affidavit explaining their role in the matter and clarifying the extent of their decision-making authority under the AFM Constitution. The first to fourteenth respondents' condonation application was supported by an affidavit deposed to by Mr T S Mjoli, their attorney. He attributed the delay to ill-health, office staff resignations, and administrative mishaps by his correspondents. The explanation was diffuse and unsatisfactory. It failed to provide a chronological and detailed account of when instructions were given, when the affidavit was completed, and why no effort was made to serve or file it timeously.

[8] Counsel for the applicant opposed the application, submitting from the bar that condonation is not for the asking. He contended that the explanation advanced was neither full nor reasonable; that the documents relied upon were largely irrelevant to the issues before the Court; and that the affidavit sought to be introduced after heads of argument had already been filed, thereby disrupting the procedural integrity of the matter. Counsel for the sixteenth and seventeenth respondents, Ms *De Beer*, likewise opposed the application, noting that the impugned affidavit had never been served on those respondents and that it sought to re-introduce matters relating to the first respondent's employment status, an issue not forming part of the case before this Court. She accordingly sought a costs order considering the unnecessary appearance compelled by the condonation application.

[9] In reply, Mr Mjoli argued that the sixteenth and seventeenth respondents' stance was inconsistent having indicated they were abiding yet seeking costs and contended that no prejudice would result from the late filing.

[10] Having considered the papers and argument, I refused condonation. The affidavit proffered did not meet the well-known requirements articulated in *Grootboom v National Prosecuting Authority & Another*,¹ namely the length of the delay, a full and satisfactory explanation for the delay, importance of the issues that the matter raises, reasonable prospects of success, absence of prejudice and the effect of the delay on the administration of justice. The explanation provided was generalised, lacked specificity, and disclosed no basis on which the Court could exercise its discretion in favour of the applicants. Importantly, the proposed affidavit sought to traverse issues extraneous to the dispute properly before this Court.

[11] In the circumstances, I ordered the first to fourteenth respondents to pay the applicant's costs and those of the sixteenth and seventeenth respondents occasioned by the condonation application, jointly and severally, the one paying the others to be absolved. I indicated that my reasons for the refusal would be incorporated in the main judgment. What is set out above are my reasons.

The nature of the relief

[12] The application, though initially couched as interim, is now essentially for a final declarator and interdict. The distinction is material. Whereas interim interdicts require the Court to consider (a) a prima facie right, (b) apprehension of irreparable harm, (c) balance of convenience, and (d) absence of alternative remedy,² final relief are set out in *Masstores (Pty) Ltd v Pick n Pay Retailers (Pty) Ltd*³ and *Hotz and Others v University of Cape Town*:⁴

- (a) a clear right;
- (b) an injury actually committed or reasonably apprehended; and
- (c) the absence of any other satisfactory remedy.

Because the matter is decided on affidavit, those requirements are assessed in accordance with the *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd*⁵ rule.

¹ *Grootboom v National Prosecuting Authority & Another* (2014) 35 ILJ 121 (CC).

² *Setlogelo v Setlogelo* 1914 AD 221.

³ *Masstores (Pty) Ltd v Pick n Pay Retailers (Pty) Ltd* [2016] ZACC 42; 2017 (1) SA 613 (CC) para 8 (*Masstores*).

⁴ *Hotz and Others v University of Cape Town* [2016] ZASCA 159; 2017 (2) SA 485 (SCA) para 29.

⁵ *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd* 1984 (3) SA 623 (A) (*Plascon-Evans*).

[13] Similarly, a declaratory order is governed by section 21(1)(c) of the Superior Courts Act 10 of 2013, which empowers a court, in its discretion, to make a binding declaration of rights where such declaration will resolve an existing dispute or uncertainty. The applicant must therefore demonstrate an existing legal interest, not a hypothetical one. The evidence establishes that the applicant seeks a declaration to confirm the validity and enforceability of internal appeal rulings that reinstated it as the lawful Governing Body and dissolved the Task Team. These are clearly justiciable rights, grounded in the AFM Constitution.

The facts

[14] The relevant facts are largely common cause. The first respondent was called to serve as presiding pastor of the Imbali Worship Centre Assembly in October 2021. After disputes arose regarding his refusal to sign an employment contract, he was relieved of his duties by the applicant on 24 May 2022. The first respondent thereafter mobilised members of the Assembly, and without constitutional authority, established a Task Team which expelled the Chairperson and members of the Governing Body. This parallel structure assumed control of the Assembly's governance and finances.

[15] The applicant appealed internally. The Regional Appeals Committee ruled in its favour on 4 April 2023, finding that the termination of Mr Ndlovu the Chairperson of the applicant's membership and his removal from the Governing Body were irrational and unlawful, that the purported Task Team was invalid, and that the original Governing Body should be reinstated. On 31 July 2023, the National Appeals Committee upheld that decision, dismissing the Task Team's appeal as out of time and procedurally defective. Its ruling was expressly stated to be *final and binding* in terms of the AFM Constitution. Despite the clear outcome of the internal processes, the first to fourteenth respondents refused to implement the rulings and continued to act as the leadership of the Assembly, precipitating this application.

Points in limine

Locus standi

[16] The first to fourteenth respondents argued that the applicant lacked standing because Mr Ndlovu was never lawfully reinstated. That contention is untenable. Both

the Regional and National Appeal Committees expressly reinstated Mr Ndlovu to his position as Chairperson of the Governing Body ‘with immediate effect.’ No further internal or external review has been lodged against those decisions. Accordingly, the challenge on *locus standi* must fail.

Prematurity

[17] The first to fourteenth respondents also contended that the application was premature, relying on the first respondent’s separate appeal of 11 January 2024 relating to disciplinary charges of financial misconduct. That process, however, was wholly distinct from the governance dispute and did not suspend the reinstatement of the Governing Body. This point in limine fails.

Legal framework

[18] The AFM is a voluntary association. Its Constitution establishes a binding contract among its members and defines their respective powers and responsibilities.⁶ The Courts generally defer to internal processes of voluntary associations,⁷ but once internal remedies have been exhausted, they may intervene to give effect to decisions made in accordance with the association’s rules and natural justice.

[19] The principle was restated in *Governing Body: Apostolic Faith Mission Ngwelezane Assembly v Ndlovu and Others*,⁸ where this Division held that self-created committees purporting to replace a church’s lawful governing body are unconstitutional and that the Court may intervene to restore lawful governance. The internal rulings in this case are final and binding under Article 11.6.23 of the AFM Constitution. The first to fourteenth respondents’ continued defiance of those rulings therefore offends both the AFM’s own governance structure and the rule of law principle articulated in *Economic Freedom Fighters v Speaker, National Assembly and Others*.⁹

⁶ *National African Federated Chamber of Commerce and Industry and Others v Mkhize and Others* [2014] ZASCA 177 paras 21-23 and 31.

⁷ *Crisp v South African Council of the Amalgamated Engineering Union* 1930 AD 225 (*Crisp*).

⁸ *Governing Body: Apostolic Faith Mission Ngwelezane Assembly v Ndlovu and Others* [2023] ZAKZDHC 53.

⁹ *Economic Freedom Fighters v Speaker, National Assembly and Others* [2016] ZACC 11; 2016 (3) SA 580 (CC) para 93.

Analysis

[22] I proceed to consider whether the applicants make out a case for final relief sought.

(a) The clear right

[21] The applicant's right to govern the Imbali Worship Centre Assembly arises from two sources: the AFM Constitution, which constitutes a binding contract among members, and the final decisions of the Regional and National Appeals Committees reinstating the applicant as the legitimate Governing Body. Article 11.6.23 of the AFM Constitution designates the National Appeals Committee as the highest internal tribunal, and its decision of 31 July 2023 was expressly stated to be final. No review or suspension has occurred. The applicant thus holds a clear and enforceable right to administer the Assembly's affairs. The first to fourteenth respondents' denial of that right rests on the assertion that Mr Ndlovu was never reinstated. That contention is squarely contradicted by the two appeal rulings, both of which directed his reinstatement 'with immediate effect.' Their denials are untenable and, under *Plascon-Evans*¹⁰, may be rejected as far-fetched.

(b) Injury actually committed or reasonably apprehended

[22] The injury is ongoing. The first to fourteenth respondents continue to operate as a parallel governing structure, to interfere with the applicant's authority, and to control the Assembly's bank account contrary to the AFM Constitution and the appeal rulings. These acts subvert lawful governance and threaten the proper administration of the congregation's finances and spiritual work. The harm is therefore not apprehended but continuing.

(c) Absence of other satisfactory remedy and the principle of non-intervention

[23] The first to fourteenth respondents contend that the Court should decline to intervene because the dispute is essentially internal and ecclesiastical. That contention invokes the well-established principle of judicial restraint in matters of

¹⁰ *Plascon-Evans* fn 5 above at 634H-635C.

voluntary associations. In *Crisp*,¹¹ the Appellate Division held that courts ordinarily defer to domestic tribunals where the rules provide internal procedures, intervening only where those tribunals act *ultra vires*, in bad faith, or contrary to natural justice. The same approach was adopted in *Turner v Jockey Club of South Africa*,¹² recognising that courts will not sit as courts of appeal over voluntary associations, but will ensure that their decisions are lawfully taken.

[24] That restraint, however, presupposes that the internal procedures have been properly invoked and complied with. Once those processes have been exhausted and a final outcome reached, a court may intervene not to rehear the dispute but to give effect to the association's own lawful decisions. As this Division recently confirmed in *Governing Body: Apostolic Faith Mission Ngwelezane Assembly*,¹³ a self-created committee that usurps the functions of a legitimate governing body falls outside the constitution of the AFM, and judicial enforcement of the church's own constitutional order is then justified.

[25] The approach accords with the Constitutional Court's observations in *Commissioner, South African Revenue Service and Another v Richards Bay Coal Terminal (Pty) Ltd*,¹⁴ the Constitutional Court stated the following:

'[88] . . . To the extent that a party is deprived of the right to just administrative action (as described by the Supreme Court of Appeal in this matter in relation to Sars' interpretation of s 47(9)(e)), this takes place in the context of domestic, internal or extra-judicial remedies that may provide substantial redress.

[89] The result would be that if an internal remedy addressed the merits of a dispute, the review complaint and the grounds on which it is advanced will be left largely unaddressed. In that event, one of the unintended consequences of such a legislative arrangement is that review grounds, even those carrying with them strong prospects and evidencing shortcomings in the decision-making process, will not be ventilated. This may well be a necessary and unavoidable consequence of putting in place a remedy such as an internal

¹¹ *Crisp* fn 7 above at 236-242.

¹² *Turner v Jockey Club of South Africa* 1974 (3) SA 633 (A) at 646.

¹³ *Governing Body: Apostolic Faith Mission Ngwelezane Assembly* fn 8 above paras 27-30.

¹⁴ *Commissioner, South African Revenue Service and Another v Richards Bay Coal Terminal (Pty) Ltd* [2025] ZACC 3; 2025 (5) SA 617 (CC).

appeal, which is designed to remedy an unlawful decision in a cost-efficient and timely manner.’ (Footnotes omitted.)

[26] In the present case, the AFM’s internal appeal structure was designed to provide a complete and self-contained mechanism for resolving governance disputes in a cost-effective and timely fashion. Once those internal remedies were exhausted and the decisions were disregarded by the first to fourteenth respondents, recourse to the Court became not only permissible but necessary to enforce the outcome and prevent continued unlawful interference in the affairs of the Assembly. The Regional and National Appeals Committees, acting within their constitutional mandate, reinstated the applicant and disbanded the Task Team.

[27] The first to fourteenth respondents have not sought to set aside those decisions; they have simply refused to comply. Their defiance of final internal rulings removes this matter from the zone of ecclesiastical autonomy and squarely within the Court’s duty to uphold the rule of law and contractual compliance. Intervention is therefore not inconsistent with *Crisp, Turner, Commissioner, South African Revenue Service* or the general principle of non-interference; it is precisely what those authorities contemplate when internal remedies have been exhausted but disobedience persists.

[28] There is likewise no other adequate remedy available to the applicant. The National Appeals Committee represents the final domestic authority within the AFM, and its decision has been rendered nugatory by the first to fourteenth respondents’ defiance. Only this Court can compel compliance with that decision.

(d) Declaratory relief

[29] Section 21(1)(c) of the Superior Courts Act 10 of 2013 empowers this Court, in its discretion, to issue a declarator defining the parties’ rights. The applicant’s request for a declaration that it is the lawful Governing Body and that the Task Team’s decisions are invalid will resolve a live controversy and restore certainty. This is an archetypal case for the exercise of the Court’s declaratory jurisdiction.

(e) Justiciability and church autonomy

[30] The first to fourteenth respondents' reliance on the doctrine of 'entanglement' misconceives the nature of the dispute. The Court is not called upon to pronounce on questions of faith or doctrine but to ensure adherence to a constitution voluntarily adopted by the members. As the Constitutional Court explained in *De Lange v Methodist Church and Another*,¹⁵ secular courts may legitimately intervene to ensure that religious associations act within their own constitutions and procedural fairness. The intervention here serves precisely that purpose.

(f) Conclusion

[31] On the evidence, the applicant has established a clear and enforceable right to govern the Assembly in terms of the AFM Constitution and final internal rulings; a continuing injury in the form of unlawful interference by the first to fourteenth respondents; and no adequate alternative remedy other than judicial enforcement. The requirements for a final interdict, as stated in *Masstores and Hotz*, have accordingly been met. Moreover, given the persistent uncertainty created by the first to fourteenth respondents' defiance, a declaratory order confirming the applicant's authority is warranted. The case therefore falls within the narrow, constitutionally permitted sphere where judicial intervention in church affairs is justified to uphold both the rule of law and the integrity of the association's own constitution.

Costs

[32] The general rule remains that costs follow the event, subject to the Court's discretion to depart from it where fairness so dictates. In intra-church and voluntary-association disputes, courts have exercised caution in awarding costs that might aggravate division within a congregation, but they have not hesitated to hold accountable those whose conduct made litigation inevitable.¹⁶

[33] The evidence shows that the first to fourteenth respondents deliberately refused to comply with binding internal rulings and continued to act as a parallel structure in defiance of the AFM Constitution. Their conduct left the applicant with no alternative but to seek judicial intervention to restore lawful governance. In those circumstances, a costs order against them is warranted. However, I am not

¹⁵ *De Lange v Methodist Church and Another* [2015] ZACC 35; 2016 (2) SA 1 (CC) paras 30–31.

¹⁶ *Governing Body: Apostolic Faith Mission Ngwelezane Assembly* fn 8 above paras 27-37.

persuaded that attorney-and-own-client costs are justified. While the first to fourteenth respondents acted unreasonably, this matter arises from a faith-based organisation whose unity should not be further impaired by a punitive order. The appropriate course is to award costs on the party-and-party scale, which fairly balances accountability and restraint.

[34] The fifteenth to seventeenth respondents did not oppose the relief and indicated that they would abide the Court's decision. Similarly, the fifteenth respondent did not oppose the application, nor did it file any affidavits. Accordingly, it would be inequitable to burden it with costs.

Order

[35] The following order is made:

1. The 'Task Team' formed by the first to eleventh respondents is declared to be an unconstitutional and unlawful structure within the Apostolic Faith Mission of South Africa (AFM) and is dissolved with immediate effect.
2. The applicant, being the Governing Body of the AFM of SA Imbali Worship Centre Assembly, is declared to be the only lawful governing body vested with authority to manage the affairs of the Assembly and its branches, including the bank account held with First National Bank.
3. All decisions and resolutions taken by the Task Team are declared invalid and of no force and effect.
4. The first to fourteenth respondents are interdicted and restrained from interfering with the governance of the AFM of SA Imbali Worship Centre Assembly, save in accordance with the AFM Constitution.
5. The fifteenth respondent (First National Bank) is directed, upon presentation of this order and the applicant's authorising resolution, to recognise the applicant's duly appointed signatories and disregard any contrary authorisations.
6. The first to fourteenth respondents are to pay the costs of the application jointly and severally, the one paying the others to be absolved.

MASIPA J**Details of the Hearing:**

Heard: 12 September 2025

Delivered: 22 October 2025

Appearances:

For the applicant: M S Tshabalala

Instructed by: Ranjen Manickum and Associates,
Pietermaritzburg

For the first-fourteenth respondents: S T Mjoli

Instructed by: S T Mjoli Attorneys, Umhlanga Ridge

For the sixteenth respondent: B De Beer

Instructed by: Venns Attorneys, Pietermaritzburg

For the seventeenth Respondent: B De Beer

Instructed by: Zandile Msane Attorneys, Durban