

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 131977/2023

DATE: 2025-10-27

DELETE WHICHEVER IS NOT APPLICABLE
(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED



SIGNATURE

DATE: 27 October 2025

In the matter between

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MUSHE MATHEVULA

Plaintiff

and

WILLOW CREST MOTORS CC

Defendant

J U D G M E N T *EX TEMPORE*

WILSON J: The defendant took exception to a pleading filed by the plaintiff. The plaintiff gave notice of his intention to amend in response to the exception. The defendant
20 objected to the notice of intention to amend.

The ordinary course in response to the objection would be to bring an application for leave to amend. Instead of doing that, for reasons best known to himself, the plaintiff decided to bring an application to strike the exception out.

There is no basis in law for such a manoeuvre, which

seems to me to be aimed solely at avoiding what the plaintiff must accept is a meritorious exception. The application is an abuse of process and will be dismissed.

I accordingly make the following order:

- [1] The application is dismissed.
- [2] Each party will pay their own costs.



WILSON J
JUDGE OF THE HIGH COURT
27 October 2025