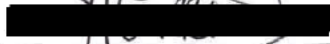


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case Number: 2025-179007

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED: YES/NO
4/11/2025	
DATE	SIGNATURE

In the matter between:

Dr RIZIKI O. KASILEMBO

Applicant

and

LEPPARD AND ASSOCIATES (PTY) LTD
(Registration Number: 1991/00288/07)

First Respondent

LOMBARD INSURANCE COMPANY LIMITED
(Registration Number: 1990/00088/07)

Second Respondent

MEDRISK PROPRIETARY LIMITED

Third Respondent

JUDGMENT

CARRIM, AJ

- [1] The Applicant is a medical doctor, based in Cape Town and self-represented. The history of the matter is recorded in the judgment of Nthambeleni AJ. I record only the salient facts for purposes of context.
- [2] The Applicant provided an NAD+ drip to Ms Calitz who had an adverse reaction to it. Ms Calitz ended up in hospital. Ms Calitz thereafter complained to the HPCSA. The Applicant through her insurance policy with first and second Respondents (referred to as Leppard for ease of convenience) obtained the services of Webber Wentzel (WW) to assist the Applicant. On Leppard's version the Applicant was dissatisfied with the strategy proposed by WW. Leppard then instructed Norton Rose Fulbright (NRF). NRF prepared a submission on behalf of the Applicant to HPCSA and then terminated their mandate. NRF advised the HPCSA of this and provided the HPCSA with the Applicant's contact details on 16 September 2025. This communication was copied to the Applicant.
- [3] The Applicant and Leppard engaged in a series of correspondence in the period between 16 September 2025 and 29 September 2025 when she launched the application which served before Nthambeleni AJ. The basis of the urgency in that application was based *inter alia* on the fact that the HPCSA had given the Applicant a deadline set in stone of 3 November 2025 for a response from her and that she would suffer irreparable harm if the application was not decided urgently.
- [4] On 23 October 2025 Nthambeleni AJ struck the matter for lack of urgency. His judgment can be found at 017-1. Despite this the Applicant persisted in seeking to enrol the matter in the urgent court. On 27 October 2025 Wanless J directed that the matter would not be enrolled because the urgent court was *functus officio*. On 31 October 2025 the Applicant again approached the DJP's office to enrol the matter on the urgent roll. The matter was then sent to me for consideration. I declined to hear the matter after hours but granted the Applicant a hearing on Monday 3 November 2025 after notice was given to the Respondents. The matter was heard on a virtual platform at 16h00.
- [5] The Respondents opposed the matter on the basis for lack of urgency and *functus officio*. It was submitted that Nthambeleni AJ had already decided that

the matter was not urgent and that Wanless J had refused to hear the matter for these reasons. The Applicant had not demonstrated what circumstances have changed since then to warrant another consideration of the matter on an urgent basis.

- [6] At the hearing I asked the parties to address me on urgency. In other words, the Applicant was asked to place before this Court any changes in her circumstances since the judgment of Nthambeleni AJ to warrant the application to be decided on an urgent basis.
- [7] The Applicant instead attempted to argue the case afresh. Eventually it became apparent that three significant events had taken place since 23 October 2023. The first is that she had obtained an extension of time from the HPCSA until 7 November 2025 to furnish them with a response. She had relied on this extension as a 'new fact' when she had approached the DJP for referral of the matter to urgent court. What she had alleged before Nthambeleni AJ as a deadline cast in stone (being 3 November 2025) had now moved to 7 November 2025. This extension does not worsen her situation - on the contrary it amounts to an improvement in her circumstances. Second it also emerged during the hearing that she had obtained new insurance cover since her contract with Leppard had expired. Again, this is an improvement in her circumstances in that she is not left adrift without any cover pending the resolution of her dispute with Leppard. Furthermore, it came to light that the Respondents had tabled an offer of settlement to the Applicant, the conditions of which were not acceptable to the Applicant at the time.¹
- [8] The approach taken by our courts to determine whether a matter is urgent or not are well established. See *In Re Several Matters on the Urgent Roll* 2013 (1) SA 549 (GSJ). The Constitutional Court, in *East Rock Trading 7 (Pty) Ltd v Eagle Valley Granite (Pty) Ltd* [2012] ZAGPJHC 183, reaffirmed that self-created urgency does not warrant intervention under Rule 6(12). An applicant must demonstrate that the circumstances relied upon were not his/her own making

¹ At the end of the hearing, I encouraged the parties to engage with each other overnight to see if the matter could be settled and undertook to hand down my judgment in the morning. It appears that they were unsuccessful in arriving at a settlement.

and they acted promptly upon becoming aware of the facts giving rise to the application.

[9] When regard is had to all of these factors it cannot be said that the Applicant's circumstances have worsened since 23 October 2025 to such an extent as to warrant the matter be heard urgently again. On the contrary the Applicant's circumstances have in fact improved since 23 October 2025.

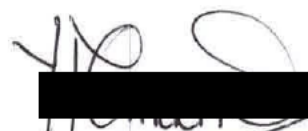
[10] The Applicant persists in setting this matter down on the urgent roll notwithstanding the fact that the matter has already been struck and her circumstances since 23 October 2025 have improved.

[11] On the whole this Application simply amounts to an abuse of court process.

Order

[12] Accordingly, I make the following order –

- a. The Application is struck for lack of urgency.
- b. Applicant to pay the costs of this application on attorney client basis.



**ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG**

Heard on: 03 November 2025

Delivered on: 04 November 2025

Appearances:

For the Applicant: Dr RIZIKI O. KASILEMBO

In person

For the Respondent: ADV MATSIELA

Instructed by: CLYDE & CO INC