

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION, MBOMBELA**

(1) REPORTABLE: NO
(2) OF INTEREST TO THE JUDGES: NO
(3) REVISED.

CASE NUMBER: 2470/2024

DATE: 21 November 2025

SIGNATURE



In the matter between:-

TIMBALI FLOWER GROWER NPC
REG.NO: 2002/006905/08

Plaintiff / Applicant

AND

DELIPMODE PTY LTD
REG.NO: 2017/358489/07

Defendant / Respondent

JUDGMENT

MANGENA AJ

[1] On **02 October 2025** I granted summary judgment in favour of the Plaintiff and ordered the Defendant to pay an amount of **R130 000.00** together with interest to Plaintiff. I further ordered the Defendant to vacate the property within **90 days** from the date of the service of the court order or at any time agreed with the Plaintiff.

- [2] The Defendant brought an application for leave to appeal against the judgment and the order.
- [3] It was submitted on behalf of the Defendant that I decided the matter on the basis of a sale agreement when the Plaintiff's case was based on a lease agreement. In support of this contention, Mr Makamu argued that the Plaintiff has failed to verify the cause of action, and the court should have found that there was a dispute of fact.
- [4] The contentions by the Defendant were considered in preparation of the judgment and were rejected on the basis that they did not disclose a bona fide defence to the claim.
- [5] The Defendant cannot claim to remain in occupation in an instance where the agreement for the sale of property was cancelled.
- [6] The cancellation of the sale agreement led to the termination of the Defendant's right to lawfully occupy the property.
- [7] The denial of the existence of the lease agreement is not a defence against eviction. See **Nordien and Another v Kidrogen RF (Pty) Ltd and Another [2025] ZASCA 159 (23 October 2025)**.
- [8] In the premises I am not persuaded that the Defendant has met the requisite threshold for the granting of leave to appeal.
- [9] Consequently, the application is dismissed with costs.



M.I. MANGENA AJ

ACTING JUDGE OF THE HIGH COURT

APPEARANCES

FOR PLAINTIFF : TIMBALI FLOWER GROWER NPC
ADV JJ VENTER FOR HvH ATTORNEYS
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FOR DEFENDANT : DELIPMODE (PTY) LTD
ADV MAKAMU FOR ANDREW DU PLESSIS ATTORNEYS
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HEARD ON : 20 NOVEMBER 2025

DELIVERED ON : 21 NOVEMBER 2025