



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 224977/2025

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED.
	
DATE 24/11/2025	LENYAI J

**MR CHIPS PLUS (PTY) LTD
t/a BOER & BIER RESTUARANT**

Applicant

And

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY
MAGESHREE NAIDOO N.O**

**First Respondent
Second Respondent**

Delivered: This judgment is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading to Caselines. The date and time of hand-down is deemed to be 14:00 on 24 November 2025.

JUDGMENT

LENYAI J

1. This is an application wherein the applicant seeks the following orders:

- 1.1 That the applicant's non-compliance with the Uniform Rules of Court relating to the forms, service and time periods be condoned, and that the matter be heard as one of urgency in terms of Rule 6(12)(a);
 - 1.2 That the First and Second respondents be directed and compelled to remove the prohibition notice issued on the 19th November 2025 in terms of Regulation 4(2) of Regulation 638 of 22 June 2018, and to immediately allow the applicants to resume trading operations;
 - 1.3 That the respondents be interdicted and prohibited from issuing any further unlawful prohibition notices against the applicant, pending lawful compliance procedures in terms of Regulation 638;
 - 1.4 That the respondents be ordered to bear the costs of this application, jointly and severally, including the costs of counsel on an attorney and client scale.
2. The matter is opposed by the respondents, and the applicant raised a point *in limine*, that the respondents have not appointed a correspondent attorney practicing within the geographical area of the court as is required by the rules of court.
3. Taking into consideration that the applicant brought this matter on extreme urgency, after hours on a Friday night, the court invokes the power conferred upon it by the Constitution in Section 173. This section grants the Constitutional Court, Supreme Court of Appeals and the High Court inherent power to protect and regulate their own processes and to develop the common law.
4. I am of the view that each case must be adjudicated on its own merits and only in exceptional circumstances may the court deviate from the rules. The matter before me is such that the court can condone the noncompliance of the respondents with the rules as both parties are represented before court, and it is in the interest of justice to allow and condone the respondents' noncompliance with the rules.

5. The respondents in their answering affidavit have raised a point *in limine*, that the applicant is not a registered company and have attached a report by the Companies and Intellectual Property Commission (CIPC) dated the 21st November 2025.
6. The respondents submit that the effect of the CIPC report of 21 November 2025, is that there is no applicant before court. They further contend that the applicant attached a CIPC report dated 11 May 2023, which is outdated.
7. The applicant in its replying affidavit stated that this latest report speaks to the fact that the company is in the process of deregistration because they have not submitted tax returns. They also advised the court that the company is compliant with SARS and have also attached the report dated April 2025.
8. It is trite that the applicant must set out all the facts and attach the relevant documents supporting its case in the founding affidavit. The fact that the applicant was caught out by the respondents and had to explain in the replying affidavit is very telling. The latest CIPC report supersedes the one of 2023 attached by the applicant in its application and the point *in limine* is accepted by the court. Seeing that there is no applicant before court, the matter stands to be struck off the urgent roll.
9. Under the circumstances, I make the following order:
 - 9.1 The application is truck off the roll.
 - 9.2 The applicant is ordered to pay the costs of the respondents on an attorney and client scale.



MMD LENYAI J

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Appearances

Counsel for Appellants : Adv S Pendani
A Trust Account Advocate

Counsel for Respondent. : Adv Mbeki

Instructed by : Leepile Attorneys

Date of hearing : 21 November 2025

Date of Judgement : 24 November 2025