



- (1) Reportable: Yes/NO
(2) Of interest to other Judges: Yes/No
(3) Revised

Signature

Date

THE LABOUR COURT OF SOUTH AFRICA, JOHANNESBURG

Case no: **2025-168041**

In the matter between:

LEGAL PRACTICE COUNCIL

First Applicant

NZUZA CHARITY

Second Applicant

BRIEL IGNATIUS

Third Applicant

SISOL LABOUR PROJECTS

Fourth Applicant

MAGOBATLOU SOLOMON

Fifth Applicant

TOKISO DISPUTE SETTLEMENT (PTY) LTD

Sixth Applicant

AHMED CACHALIA

Seventh Applicant

ASMALL FAATHIMA

Eight Applicant

RW ATTORNEYS

Nineth Applicant

ADV PULE SELEKA SC

Tenth Applicant

ADV LUZELLE ADAMS

Eleventh Applicant

and

MADONSELA, ZANDILE MS

Respondent

Heard: 9 December 2025

Delivered: 5 January 2026 (This judgment was handed down electronically by emailing a copy to the parties. The 5 January 2026 is deemed to be the date of delivery of this judgment).

JUDGMENT

KROON AJ

[1] This matter concerns an opposed urgent application brought under Section 18(3) of the Superior Courts Act 10 of 2013 (the Superior Courts Act). This matter has a long and troubled history. It is not necessary to set it out.

[2] The Court *mero moto* raised with the parties whether it was appropriate for a judge other than the judge who gave the judgment¹ and would be required to hear the application for leave to appeal, also to hear the current application which is in truth an application interlocutory to the application for leave to appeal. In this context it was pointed out that it is

¹ In this case Lagrange J

the practice² although not necessarily the rule that the same judge hears both applications.

- [3] The concern was raised, given that it was clear, from the heads of argument, that the Applicant (the LPC) intended to argue that the application for leave to appeal was without merit and part of a so-called “*Stalingrad*” strategy albeit within the context of a disciplinary hearing. If I had to pronounce on the merits of the application for leave to appeal, not only would I be prejudging it, but there would then be a potential for two conflicting judgments.
- [4] After some debate, the parties reached consensus that the matter should not proceed before me. They, however, adopted contesting positions regarding the way forward. Mr Kufa, who appeared on behalf of Mr Madonsela, strenuously argued that the application should be struck from the roll with costs. Mr Naidoo, on the other hand, was, if I understood him correctly, content for the matter to be either postponed or removed from the roll.
- [5] In support of his contentions, Mr Kufa submitted, *inter alia*, that the matter was not urgent and should not have been set down on the urgent roll. He also raised an authority point. As to the authority point, a Rule 7 notice was delivered that, on its face, was substantially out of time³ and unaccompanied by an application for condonation.⁴ Mr Kufa further submitted that the attorneys for the LPC are, impermissibly so, seeking to represent all the Applicants. At first glance, this submission is, however, not reconcilable with the Notice of Motion. If anything, in my preliminary view the issue is rather whether the Second to Eleventh

² The Superior Courts Act provides that the judge who gave the judgment must adjudicate the leave to appeal unless he is not available. As to the practice, see *Afriforum NPC v City of Tshwane Metropolitan Municipality and Others* (31 July 2025) at para [55]

³ *Inxuba Yethemba Local Municipality v Msweli and Others* (PR 198/21) [2023] ZALCPE 23; [2024] 2 BLLR 154 (LC); (2024) 45 ILJ 548 (LC) (17 November 2023)

⁴ *Maughan v Zuma and Others* (12770/22P; 13062/22P) [2023] ZAKZPHC 59; [2023] 3 All SA 484 (KZP); 2023 (5) SA 467 (KZP); 2023 (2) SACR 435 (KZP) (7 June 2023) at para [32]

Applicants should not be joined as respondents,⁵ as they have not instituted the litigation. These points, however, are best addressed by the Court hearing the application. As to the question of urgency, other than to observe that this type of application is by its nature urgent,⁶ this is also an issue that should be addressed and pronounced upon by the Court hearing the application.

- [6] On 9 December 2025 the Court requested, per directive, whether there was an agreement regarding a timetable for the filing of papers. A response was apparently received on 11 December 2025 but was not brought to my attention until the evening of 19 December 2025. In terms of the response, it would appear that it is unnecessary for the Court to make any decision about a timetable for the filing of papers. I quote from the joint response to the Directive as follows:

“1. In terms of the directive issued, the respondent has filed her answering affidavit which has been signed and commissioned as well as her heads of argument.

2. The LPC will file its replying affidavit on or before 19 December 2025.

3. 10 days before the matter is set down, the LPC will file its supplementary heads.

4. Each party will be responsible for the uploading of their pleadings on case lines.”

Order

1. The application is removed from the roll.

⁵ Cf *Kruger and others v Aciel Geomatics (Pty) Ltd* (JA87/2014) [2016] ZALAC 92 (14 June 2016)

⁶ *Maughan v Zuma and Another; Downer v Zuma and Another* (12770/22P; 13062/22P) [2023] ZAKZPHC 75 (3 August 2023) at para [10]

2. The parties are at liberty to approach Lagrange J, preferably jointly, so as to ascertain when the matter may be heard.
3. Costs are reserved.

P N KROON

Acting Judge of the Labour Court of South Africa

Appearances:

For the Applicant:

M Naidoo

Instructed by:

RW Attorneys

For the Respondent:

M Kufa and M Tshivhase

Instructed by:

Machaba Attorneys