



**THE HIGH COURT OF SOUTH AFRICA
(NORTHERN CAPE DIVISION, KIMBERLEY)**

Reportable/ Not Reportable

Case no: 2026-011073

In the matter between:

BARTHOLOMEW SERAPELO MATLALA

Applicant

and

SOL PLAATJE LOCAL MUNICIPALITY

First Respondent

MARTHA BARTLETT N.O.

(Executive Mayor: Sol Plaatje Local Municipality)

Second Respondent

DIPUO PETERS N.O.

(Speaker: Sol Plaatje Local Municipality)

Third Respondent

Neutral citation: *Matlala v Sol Plaatje Local Municipality and 2 Others* (Case no 2026-011073). (06 February 2026)

Coram: Tyuthuza AJ.

Heard: 29 January 2026.

Delivered: 06 February 2026.

Summary: *Section 18 of the Superior Courts Act 10 of 2013 – leave to execute pending appeal – requirements of exceptional circumstances and irreparable harm considered.*

ORDER

1. The application is urgent, and the rules relating to forms, service and time periods, as prescribed by the Uniform Rules of Court, are dispensed with.
2. The operation and execution of the order of court dated 16 January 2026 under case number 2026-004539, which is the subject of an application for leave to appeal, is not suspended pending the outcome of the application for leave to appeal to the Full Court of this Division, alternatively to the Supreme Court of Appeal.
3. The second and third respondents are ordered to personally pay the costs of this application.

JUDGEMENT

Tyuthuza AJ

Introduction:

- [1] On 16 January 2026, I granted the following order in the urgent court:
- 1.1. That the application is urgent, and the rules relating to forms, service and time periods, as prescribed by the Uniform Rules of Court are dispensed with.
 - 1.2. That the suspension notice served on and against the applicant on the 8th of January 2026 is declared unlawful, null and void and is set aside.

1.3. That the applicant resumes his duties as the Municipal Manager of the 1st Respondent with immediate effect and on the date of the making of this order of court.

1.4. That the second and third respondents be ordered to pay the cost of this application in their personal capacities.¹

[2] On 17 January 2026, the respondents lodged an application for leave to appeal the above order. Subsequent thereto, the applicant filed this application in terms of Section 18 of the Superior Courts Act 10 of 2013 (the Act) for the orders granted to be put into operation, pending the outcome of the application for leave to appeal, and the actual appeal pursuant to a successful application for leave to appeal. The respondents opposed the application.

[3] Together with the application for leave to appeal, the first respondent also sought written reasons for the order granted on 16 January 2026. The reasons for the said order were consequently provided on 28 January 2026.²

Urgency:

[4] It is trite that each urgent application must be determined on its own facts and merits. Rule 6 (12) of the Uniform Rules enables the court to dispense with the normal rules relating to the forms and service as provided for in the Rules and dispose of the matter at such time, place and in such manner or in accordance with such procedure as it may deem fit. An applicant seeking to be heard on an urgent basis must set forth explicitly the circumstances which he avers render the matter urgent and the reasons why he claims that he could not be afforded substantial redress at a hearing in due course.³

¹ See *Matlala v Sol Plaatje Local Municipality and Others* (Reasons) (2026-004539) [2026] ZANCHC 7 (28 January 2026).

² *Ibid.*

³ Rule 6 (12) (b) of the Uniform Rules of Court.

- [5] Applications in terms of section 18 of the Superior Courts Act are, by their very nature, urgent.⁴
- [6] On 16 January 2026, this court set aside the applicant's suspension and ordered that he immediately resume his duties as the municipal manager of the first respondent. By the respondents having lodged the application for leave to appeal on the 17th of January 2026, the applicant was effectively prevented from resuming his duties pending the finalisation of the appeal process. After having been served with the application for leave to appeal, the applicant wrote to the respondents requesting that they withdraw the application for leave; however, that was not done. On the 19th of January 2026, the applicant consulted with his attorneys and on the 20th of January 2026 engaged in settlement negotiations with the respondents, which came to nothing. On 21 January 2026, the applicant launched the current application. The respondents argue that the applicant has not demonstrated urgency. I disagree. I am of the view that the applicant acted with the necessary haste in bringing this application and will not be able to obtain substantial redress in due course.⁵
- [7] Furthermore, the applicant contends that the urgency is specifically premised on the unlawful steps taken by the respondents in suspending him and their apparent abuse of power. In *Apleni v President of the Republic of South Africa and Another*⁶, the Court held *inter alia* as follows:
- “ . . . Where allegations are made relating to abuse of power by a Minister or other public officials which may impact upon the rule of law, and may have a detrimental impact upon the public purse, *the relevant relief sought ought normally be urgently considered.*”⁷ (own emphasis).
- [8] The nature of the application is such that it is urgent. I am satisfied that the matter should be adjudicated on an urgent basis.

⁴*Maughan v Zuma and Another, Downer v Zuma and Another* (12770/22P; 13062/22P) [2023] ZAKZPHC 75 (3 August 2023) para 10.

⁵ See *EMW v SW* [2023] JOL 59663 (GJ) para 11.

⁶ [2017] ZAGPPHC 656 (GP); [2018] 1 All SA 728 (GP).

⁷ *Ibid* para 10.

Discussion:

- [9] Section 18 of the Superior Courts Act sets out the legislative requirements for determining whether a judgment should be executed or suspended pending the appeal process. The said section provides as follows in relevant parts:

‘18 Suspension of decision pending appeal

- (1) Subject to subsections (2) and (3), and unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision which is the subject of an application for leave to appeal or of an appeal, is suspended pending the decision of the application or appeal.
- (2) Subject to subsection (3), unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision that is an interlocutory order not having the effect of a final judgment, which is the subject of an application for leave to appeal or of an appeal, is not suspended pending the decision of the application or appeal.
- (3) A court may only order otherwise as contemplated in subsection (1) or (2), if the party who applied to the court to order otherwise, in addition proves on a balance of probabilities that he or she will suffer irreparable harm if the court does not so order and that the other party will not suffer irreparable harm if the court so orders.

...’

- [10] To succeed with an application to enforce the operation and execution of an order pending the outcome of the appeal process in terms of section 18 of the Act, the applicant is to prove, on a balance of probabilities, (a) that exceptional circumstances exist to enforce the judgment, (b) that he will suffer irreparable harm should the judgment not be enforced or operationalised, and (c) that the respondents will not suffer irreparable harm should the judgment be enforced or operationalised.⁸
- [11] In *Tyte Security Services CC v Western Cape Provincial Government and Others*⁹, it was held that the consideration of each of the so-called three

⁸ See *Premier for the Province of Gauteng and others v Democratic Alliance and others* [2021] 1 All SA 60 (SCA).

⁹ [2024] ZASCA 88; 2024 (6) SA 175 (SCA) para 10.

requirements is not a hermetically sealed enquiry and can hardly be approached in a compartmentalised fashion.

Exceptional circumstances:

[12] What constitutes “exceptional circumstances” has been considered in various judgments. In *Knoop NO and Another v Gupta (Execution)*¹⁰, the court described the meaning of “exceptional circumstances” in the context of section 18 as being ‘... something that is sufficiently out of the ordinary and of an unusual nature to warrant a departure from the ordinary rule that the effect of an application for leave to appeal or an appeal is to suspend the operation of the judgment appealed from’.

[13] In *University of the Free State v Afriforum and Another*¹¹ the Supreme Court of Appeal held as follows:

‘Whether or not “exceptional circumstances” for the purposes of s 18(1) are present, must necessarily depend on the peculiar facts of each case. In *Incubeta Holdings* at paragraph 22 Sutherland J put it as follows:

“Necessarily, in my view, exceptionality must be fact-specific. The circumstances which are or may be ‘exceptional’ must be derived from the actual predicaments in which the given litigants find themselves.”

I agree. Furthermore, I think, in evaluating the circumstances relied upon by an applicant, a court should bear in mind that what is sought is an extraordinary deviation from the norm, which, in turn, requires the existence of truly exceptional circumstances to justify the deviation.’

[14] The existence of ‘exceptional circumstances’ is a necessary prerequisite for the exercise of the court’s discretion under section 18. If the circumstances are not truly exceptional, that is the end of the matter. Consequently, the application must fail and fall to be dismissed on that basis. If, however,

¹⁰ 2021 (3) SA 135 (SCA) para 46.

¹¹ [2017] 1 All SA 79 (SCA) para 13.

exceptional circumstances are found to be present, it would not follow, without more, that the application must succeed.¹²

- [15] In *Tyte Security Services CC (supra)*, the Supreme Court of Appeal, in its consideration of exceptional circumstances, stated as follows:

‘It has long been accepted that it is ‘undesirable to attempt to lay down any general rule’ in respect of ‘exceptional circumstances’ and that each case must be considered upon its own facts. In *MV Ais Mamas: Seatrans Maritime v Owners, MV Ais Mamas and Another*, Thring J summarised the approach to be followed. He said that ‘what is ordinarily contemplated by the words “exceptional circumstances” is something out of the ordinary and of an unusual nature; something which is excepted in the sense that the general rule does not apply to it; something uncommon, rare or different.’¹³

- [16] In appropriate cases, when determining whether exceptional circumstances exist that warrant the order, a Court must also consider whether there are prospects of success in the appeal.¹⁴

- [17] Mr Olivier, for the applicant, submits that it cannot be disputed that exceptional circumstances exist. It was submitted that the decision to grant an order in terms of section 18 remains within the court’s discretion and, in exercising that discretion, the court will have regard to the applicant’s prospects of success in the pending appeal. The applicant submits that the respondents made no case in their application for leave to appeal and that it had “served only the purpose of delaying finalisation of this matter”, and that it has no prospects of success on appeal. Furthermore, it was submitted that the respondents’ concession that there was no compliance with regulation 6(2) is fatal to their case, as the respondents have no grounds to argue substantial compliance or to argue that the court’s interpretation of regulation 6(2) is flawed.

- [18] Mr Ngutshana, for the respondents, argued strenuously that the applicant made no attempt to set out the facts he relies upon to establish the requisite

¹² *Tyte Security Services CC v Western Cape Provincial Government and Others (Supra fn 9)* para 11.

¹³ *Ibid* para 12.

¹⁴ *University of the Free State v Afriforum and Another* [2016] ZASCA 165 (SCA); [2017] 1 All SA 79 (SCA); 2018 (3) SA 428 (SCA) para 15.

exceptional circumstances. The respondents submit that the applicant based his reliance upon the non-compliance with regulation 6 (2) of the disciplinary regulations¹⁵, whilst the he ignored the requirements of section 18(1).

- [19] The respondents contend that the applicant wholly focuses on the deprivation or an “alleged infringement of a right”, which is misplaced as the deprivation or alleged infringement thereof does not amount to or constitute exceptional circumstances as statutorily required. To support their submissions, the respondents placed reliance on the *University of the Free State v Afriforum (supra)*, wherein the court stated as follows at para 21 :

‘I fail to see how, even if there had been an infringement of rights as contended for, this would constitute exceptional circumstances as envisaged in s 18(1) of the Act. The mere reliance on the foregoing of the right by the students to exercise a choice does not in itself (ie without proof of any adverse consequences) constitute exceptional circumstances. As submitted on behalf of the UFS, the submission on behalf of Afriforum is conceptually confused because it conflates the deprivation of a right with the adverse consequences flowing therefrom in circumstances where there is no proof at all of such adverse consequences.’

- [20] The applicant contends that he is duly appointed and substantive municipal manager of the first respondent and that the respondents’ attempt to keep him unlawfully suspended is a clear violation of his rights. He contends that he is entitled to be at work, especially so because by the operation of the law, his suspension has effectively lapsed. The applicant asserts that he has instituted this application to stem the unlawful conduct of the respondents; to safeguard his interests and rights, including his right to be treated lawfully, to employment, and the exercise of all other rights associated therewith.
- [21] The respondents conceded to its non-compliance with regulation 6(2) and argues that such non-compliance did not invalidate the decision to suspend the applicant on 8 January 2026. The respondents assert that their non-compliance was justified in that: “the jurisdictional facts contemplated in Regulation 6(1) were plainly present. The council was entitled, and indeed

¹⁵ Local Government: Disciplinary Regulations for Senior Managers, 2010 (‘the disciplinary regulations’).

obligated, to act decisively to protect employee safety, institutional stability, and the integrity of the Municipality.”

- [22] The respondents sought to rely on the matter of *Liebenberg NO and Others v Bergrivier Municipality*¹⁶, wherein the Constitutional Court stated thus:

“Therefore, a failure by a municipality to comply with relevant statutory provisions does not necessarily lead to the actions under scrutiny being rendered invalid. The question is whether there has been substantial compliance, taking into account the relevant statutory provisions in particular and the legislative scheme as a whole.”

- [23] When dealing with the question whether there was non-compliance with regulation 5(3), the Court in *Maluleke v Greater Giyani Local Municipality and Others*¹⁷, stated as follows:

‘... a failure by a Municipality to comply with relevant statutory provisions does not necessarily lead to the actions under scrutiny being rendered invalid. *The question is whether there has been substantial compliance, taking into account the relevant statutory provisions in particular and the legislative scheme as a whole.*’ (own emphasis).

- [24] The courts have also held in numerous matters that substantial compliance is not enough to depart from complying with the regulations. In *Penxa v Beaufort West Local Municipality and Others*¹⁸, the following was stated:

‘Furthermore, the respondents’ contention that there was a substantial compliance with Regulation 6(2) is fallacious. It cannot be overstated that “suspension is a measure that has serious consequences for an employee, and is not a measure that should be resorted to lightly”. Moreover, when suspending the Accounting Officer, an act that would invariably interrupt leadership and in turn impedes the rendering of the Municipal services, the Municipality must comply with Regulation 6(2) to the letter; which is not insuperable obligation, in any event.’

¹⁶ [2013] ZACC 16; 2013 (8) BCLR 863 (CC); 2013 (5) SA 246 (CC) para 26.

¹⁷ [2018] ZALCJHB 456 at para 33; (2019) 40 ILJ 1061 (LC) para 31.

¹⁸ [2022] JOL 54312 (LC) para 21; see also *Molibeli v Speaker of the Municipal Council: Fezile Dabi District Municipality and Others* [2023] 1 All SA 199 (FB) paras 121 – 122.

- [25] The importance of providing a senior manager with notice and compliance with the regulations was emphasised in *Lebu v Maquassie Hills Local Municipality and Others*¹⁹ where it was stated:

'Mr Louw, who appeared for certain of the respondents, and despite the municipality's withdrawal of its application for leave to appeal against the judgment, invited me to decline to follow Steenkamp J, at least in so far as his judgment suggests that a senior employee is to be afforded at least seven days to make representations on both the misconduct alleged and the purpose of the suspension, before any decision to that effect is made final. I must decline to accept that invitation. In my view, Steenkamp J's interpretation of regulation 6 is correct. It is consistent with the principle of *audi alteram partem* that the regulation clearly seeks to meet, and with the chronology set out in the regulation. The terms of the regulation clearly contemplate an in-principle decision to suspend, taken on the basis of a reasonable belief that the senior manager has committed misconduct and that at least one of the requirements in paragraphs (a) and (b) is present. The municipality is then required to consider the matters set out in sub-regulation (1) together with any representations received, and then and only then, may the municipality suspend the employee. I would add that in my view, it is not sufficient for a municipality merely simply to reproduce the justifications listed in paragraphs (a) and (b). In the present instance, that is what the applicant has done, with the omission only of the factor listed in paragraph (a) (i) on the basis, presumably, that the investigation initiated into the applicant's conduct has been completed. Suspension is a measure that has serious consequences for an employee, and is not a measure that should be resorted to lightly. There appears to be a tendency, especially in the public sector, where suspension is applied as a measure of first resort and almost automatically imposed where any form of misconduct is alleged. The purpose of removing an employee from the workplace, even temporarily and on full pay, must be rational and reasonable, and must be conveyed to the employee concerned in sufficient detail to enable the employee to compile the representations that he or she is invited to make in a meaningful way. Of course there are those instances where precautionary suspension is a necessary measure, and where the reasons to remove an employee from the workplace as a precautionary measure are compelling. But those cases will be the exception rather than the norm.'

¹⁹ [2011] ZALCJHB 248 (7 December 2011) para 14.

- [26] The first respondent is currently without a municipal manager at its helm. Should the order granted on 16 January 2026 remain inoperative pending the appeal process, the first respondent will be without a municipal manager for months, as there is no indication as to when the appeal will be adjudicated or the appeal process concluded. The pivotal role of the municipal manager in the functioning of a municipality was highlighted by the Constitutional Court, which aptly described the municipal manager as “*a key structure of a municipality*”.²⁰
- [27] In *Tshabalala v Moqhaka Local Municipality and Another*²¹, it was stated as follows:
- ‘ . . . the regulation of precautionary suspension is directed not only at the interests and protection of the affected employee; the general public has an interest in the funds expended on public sector employees who remain on suspension for inordinate periods.’
- [28] It is apparent from the provisions of section 18 of the Act that applications brought in terms thereof require strict compliance, and that courts should resist relaxing the statutory requirements, departing from the default position of suspension pending appeal, or application for leave to appeal only where necessity and fairness clearly demand it.
- [29] It is undisputed that the respondents’ conduct is in contravention of the regulations and cannot be overlooked or allowed to stand merely because of an appeal process which is underway. Courts should guard against their orders evaporating or becoming vacuous gestures.²² Successful litigants should indeed not be left in a predicament where they feel that no effective relief has been granted, nor should they be left with the impression that approaching the courts to enforce their rights is a waste of time and resources.²³

²⁰ *Executive Council of the Western Cape v Minister for Provincial Affairs and Constitutional Development of the Republic of South Africa; Executive Council of KwaZulu Natal v President of the Republic of South Africa and Others* 1999 (12) BCLR 1360 CC para 109.

²¹ [2024] ZALAC 60; [2025] 2 BLLR 189 (LAC); (2025) 46 ILJ 590 (LAC) para 9.

²² *Incubeta Holdings (Pty) Ltd and Another v Ellis and Another* 2014 (3) SA 189 (GJ) para 28.

²³ See *Workforce Staffing (Pty) Ltd v Sadan and Others* [2023] JOL 59382 (LC) para 12.

- [30] Having considered the totality of the facts and the circumstances and various case law, there is no basis upon which I can find that the respondents substantially complied with the provisions of Regulation 6. To embrace the respondents' clear breach of legislative prescripts would be tantamount to promoting an illegality. In the circumstances, I find that exceptional circumstances exist in terms of section 18(1) of the Act.

Irreparable harm:

- [31] Whether there is irreparable harm depends upon the factual situation in which the dispute arises, and the legal principles that govern the rights and obligations of the parties. The question of irreparable harm is closely linked to the question of exceptional circumstances.²⁴
- [32] The applicant contends that he would suffer irreparable harm in that the violation of his right to work and assume his responsibilities as the Municipal Manager constitutes prejudice and irreparable harm to him. He avers that he suffers irreparable harm and prejudice in circumstances where the envisaged appeal is meritless. He argues that there is a real possibility that the appeal will not succeed and that even if it were to succeed, which is extremely unlikely, the suspension would have run its course.
- [33] Furthermore, the applicant submits that the disciplinary hearing is set to start in March 2026 and that there is no reason to keep him suspended only because there is an ongoing disciplinary hearing. He contends that if his suspension remains unchallenged, he would suffer irreparable harm. He submits that the respondents do not suffer any inconvenience, nor would they suffer any irreparable harm if the order sought is granted.
- [34] The respondents contend that any prejudice alleged by the applicant is temporary and reversable and in the event that the appeal fails, the applicant will be restored to his position and that any interim consequences can be

²⁴ *Tyte Security Services CC v Western Cape Provincial Government and Others* 2024 (6) SA 175 (SCA) para 13.

addressed through the appropriate legal remedies. Furthermore, they contend that evidence shows that the applicant's return to the workplace previously resulted in intimidation, thus the harm to the residents is real and substantial, and that reinstating the applicant while the disciplinary process is ongoing and the appeal remains unresolved would introduce those risks and undermine both employee safety and institutional stability. The respondents contend that the balance of prejudice favours maintaining the status *quo*.

[35] The applicant vehemently disputes that he conducted himself in a manner which is disruptive, intimidatory or detrimental to the proper functioning, stability and integrity of the first respondent. He further emphasises that the respondents persisted to make insinuations without providing facts to evidence the apprehension. As alluded to above, no evidence was presented to the court to substantiate these allegations by the respondents.

[36] It has been accepted that suspension prejudicially impacts on the applicant's freedom to work and dignity. In *South African Municipal Workers Union o.b.o. Matola v Mbombela Local Municipality*²⁵ the court said the following in this regard:

'The harm that the applicant suffers pending the finalisation of the disciplinary hearing is not financial because he receives his salary during the suspension. The irreparable harm that he suffers has to do with his dignity and freedom to work. The impact of the suspension on the freedom to work and dignity of the suspended employee was stated in *Minister of Home Affairs and others v Watchenuka*, in the following terms:

"The freedom to engage in productive work - even where that is not required in order to survive - is indeed an important component of human dignity, as submitted by the respondents' counsel, for mankind is pre-eminently a social species with an instinct for meaningful association. Self-esteem and the sense of self-worth - the fulfilment of what it is to be human - is most often bound up with being accepted as socially useful".

[37] Having regard to the papers and the submissions made before me, I am of the view that the applicant will suffer irreparable harm and that the respondents

²⁵ [2015] JOL 32540 (LC) para 29.

will not suffer any harm if the order is executed despite the pending appeal process.

Prospects of success:

[38] Without pre-judging the pending application for leave to appeal, I consider it apposite to make some cursory observations and somewhat restate the principles relating to the role of prospects of success when dealing with an application in terms of section 18 of the Act, as, in appropriate cases, they are relevant for the purposes of adjudicating such applications.

[39] In *University of the Free State v Afriforum and Another* ²⁶, the Court made the following observations:

‘A question that arises in the context of an application under s 18, is whether the prospects of success in the pending appeal should play a role in this analysis. In *Incubeta Holdings* Sutherland J was of the view that the prospects of success in the appeal played no role at all. In *Liviero Wilge Joint Venture* Satchwell J, Moshidi J concurring, was of the same view. However, in *Justice Alliance* Binns-Ward J (Fortuin and Boqwana JJ concurring), was of a different view, namely that the prospects of success in the appeal remain a relevant factor and therefore —

“the less sanguine a court seized of an application in terms of s 18(3) is about the prospects of the judgment at first instance being upheld on appeal, the less inclined it will be to grant the exceptional remedy of execution of that judgment pending the appeal. The same quite obviously applies in respect of a court dealing with an appeal against an order granted in terms of s 18(3)”.

[40] It is also settled that where the prospects of appeal are weak, there is no need to find that the victorious party has demonstrated “a sufficient degree of exceptionality to justify an order in terms of section 18 of the Act”.²⁷

²⁶ 2018 (3) SA 428 (SCA) para 14.

²⁷ *Ibid* para 15.

Costs:

- [39] In respect of costs, it is trite that the Court is vested with a discretion which must be exercised judiciously.
- [40] The court is expected to take into consideration the peculiar circumstances of each case, carefully weighing the issues in each case, the conduct of the parties as well as any other circumstance which may have a bearing on the issue of costs and then make such order as to costs as would be fair in the discretion of the court. No hard and fast rules have been set for compliance and conformity by the court unless there are special circumstances.²⁸
- [41] The applicant seeks a punitive cost order against the respondents and for the second and third respondents in their personal capacities. The applicant contends that the respondents act in brazen violation of the law, despite having legal representation and the second and third respondents being senior and experienced members of the council. The applicant asserts that the respondents conduct amount to an abuse of power and a refusal of submit themselves to the principles of accountability, since the respondents have conceded to not having followed the procedure as set out in regulation 6(2).
- [42] The respondents submit that it's application for leave to appeal is *bona fide* and raises substantial questions of law and fact.
- [43] In light of the foregoing considerations, I am of the view that it would be fair and consistent with the interests of justice, and to safeguard the public purse by ordering the second and third respondents to personally bear the costs of this application.

²⁸ *Mcpherson v Teuwen and Another* [2012] ZAGPJHC 18 para 54.

[44] In the result, I make the following order:

1. The application is urgent, and the rules relating to forms, service and time periods, as prescribed by the Uniform Rules of Court, are dispensed with.
2. The operation and execution of the order of court dated 16 January 2026, which is the subject of an application for leave to appeal, is not suspended pending the outcome of the application for leave to appeal to the Full Court of this Division, alternatively to the Supreme Court of Appeal.
3. The second and third respondents are ordered to personally pay the costs of this application.


T TYUTHUZA
ACTING JUDGE OF THE HIGH COURT
NORTHERN CAPE DIVISION

Appearances

For the Applicant:
Instructed by:

Adv JL Olivier
Matome G Mashao Inc.
c/o Engelsman Magabane Inc.

For the Respondents:

Instructed by:

Adv VP Ngutshana SC
Adv S Kunene
Kopano Mothibi Attorneys