

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, JOHANNESBURG)

Case Number: 106986/2023

- (1) REPORTABLE: NO
- (2) OF INTEREST TO OTHER JUDGES
- (3) REVISED: NO

LINO RINGUE

APPLICANT

AND

NTOMBIZODWA ELIZABETH SIBEKO

1ST RESPONDENT

DIRECTOR GENERAL OF HUMAN SETTLEMENT

2ND RESPONDENT

GAUTENG PROVINCE

MEC HUMAN SETTLEMENTS, GAUTENG PROVINCE

3RD RESPONDENT

CITY OF JOHANNESBURG METROPOLITAN

4TH RESPONDENT

MUNICIPALITY

REGISTRAR OF DEEDS, JOHANNESBURG

5TH RESPONDENT

JUDGMENT

This Judgment was handed down electronically and by circulation to the parties' legal representative by way of email and shall be uploaded on CaseLines. The date of the hand down is deemed to be on the **05 FEBRUARY 2026**.

MAKUME J:

1. In this matter the applicant seeks an order authorising the fifth respondent, being the Registrar of Deeds, to cancel a title deed, with registration number T[...], which is currently registered in the name of the Late Goodman John Sibeko, in respect of immovable property known as Erf 5[...] W[...] Street, E[...], Extension 8 Township, Gauteng Province.
2. In the second prayer the applicant seeks an order that the property be registered in his name by the Registrar of Deeds.
3. The applicant says that he purchased vacant piece of land for an amount of R8 000,00, that he took occupation in the year 2007, and built a structure thereon. He occupies the property with his wife and three children.
4. He acknowledges that there is a pending eviction case against him in the Protea Magistrate Court which is not being opposed.
5. The applicant does not state from whom he purchased the property. Against this the respondent filed proof that in the year 1995 the property was registered in the name of his late brother and that it is impossible that he could have sold it to the applicant in 2007 as the brother had already passed away in 1998.
6. The respondent informed the applicant as far back as the year 2014 that she is the owner of the property, and followed that up with an application for eviction, which is still pending at the Protea Magistrate Court. The applicant simply denies that.

7. It is also strange that the applicant waited 9 years before launching this application on flimsy and unsubstantiated grounds.
 8. The fourth respondent filed an explanatory affidavit and informed the applicant that the Deeds Registry possesses all information about transactions pertaining to all immovable properties. The applicant does not deal with that in his replying affidavit. On the other hand, the respondent attaches to her answering affidavit a copy of the title deed indicating that the National Housing Board sold the property to Goodman John Sibeko on 22 November 1994. The applicant conceded when asked by the court that the document is correct and genuine.
 9. The deceased died in 1998 and could never have sold the property to the applicant in the year 2007. The document that the applicant attaches as proof of his so called purchase agreement has the name Mufukeng. He has not furnished this court with a deed of sale, nor did he take trouble to get an affidavit from the seller. His counsel finally conceded that his client has been scammed. This in my view he knew as far back as 2014 and should not have insisted on bringing this frivolous application. The resultant is that there should be a costs order against the applicant.
 10. In the result, I make the following order:
 - [10.1] The application is dismissed;
 - [10.2] The applicant is ordered to pay costs on an attorney and client scale.
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MAKUME J

JUDGE OF THE HIGH COURT

JOHANNESBURG

For the Applicant:

Peter Zwane Attorneys

For the Respondent:

Ms Zodwa Mvelase

For the 1st Respondent:

Gwensa Attorneys