



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

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

Case number: **024491/2024**

...  18/2/2026
SIGNATURE DATE

In the matter between:

SEPANKI JOHANNES PHETO

Applicant

And

LETSEPE MPHELA PHAHLANE

First Respondent

CINDY MAKWENA PHAHLANE

Second Respondent

**THE CITY OF THSWANE METROPOLITAN
MUNICIPALITY**

Third Respondent

This judgment has been delivered by uploading it to the Court online digital data base of the Gauteng Division, Pretoria and by email to the attorneys of record of the parties. The date of the delivery of the judgment is deemed to be 18 February 2026.

JUDGMENT

Makhoba J

[1] On the 20 March 2024 the applicant brought an urgent application seeking a final order of eviction against the second Respondent.

[2] The matter was postponed to 06 May 2024 to the opposed motion roll for argument. Costs reserved

[3] On the 08 May 2024, the matter was heard by the court. The matter was postponed, the court directed the municipality to file a report pertaining to alternate housing. Costs were reserved.

[4] The eviction was granted in a judgement on (caselines 0001-1) the first and second respondents, to pay the costs thereof jointly and severally.

[5] The first respondent filled a confirmatory affidavit that supports the relief sought by the applicant.

[6] Counsel for the second respondent submitted that the applicant is not entitled to the reserved costs. On both occasions, the applicant caused the postponement.

[7] In regard to the costs for 26 March 2024 it is argued that, the applicant caused the postponement by his failure to follow the peremptory provisions of the PIE Act. By launching the urgent application, the applicant was attempting to circumvent the peremptory provisions of the PIE Act.

[8] It is further argued that, the urgent application was an abuse of court processes. The urgent application was not the correct procedure. The applicant was trying to circumvent the applicable law.

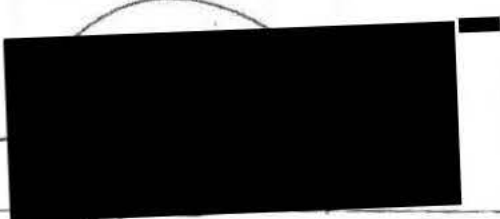
[9] In my view the applicant failed to show why he failed to follow the provisions of section 4 (2) of the PIE Act and preferred the urgent application. Consequently, the application is not entitled costs and costs should be costs in the cause.

[10] In regard to the costs reserved on the 08 May 2024, it is my view that it was imperative for the court to order the Municipality to file a report to alternative accommodation. It is further my view that there should be no order as to costs in respect of the reserved costs.

[11] In the premises I make the following order:

11.1 The cost previously reserved on the 26 March 2024 and on the 8th of May 2024 are costs in the cause.

11.2 In regard to the costs associated with this application/ hearing, I make no order as to costs



D Makhoba

Judge of the High Court

Gauteng Division, Pretoria

APPEARANCES

For the Applicant: Attorney - Elliot Attorneys
Counsel - Eugene Muller

For Respondent: Attorney - Prince Mudau and Associates In
Counsel – Khathutshelo Maphwanya

Date of hearing: 27 October 2025
Date of Judgment: 18 February 2026