

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO.: A167/2025

(1)	REPORTABLE:	no
(2)	OF INTEREST TO OTHER JUDGES:	no
(3)	REVISED	yes
DATE		04/02/2026
SIGNATURE		[Redacted Signature]

In the matter between:

C J MOLATOLI

Appellant

and

**SILVERSTONE HOME OWNERS ASSOCIATION
NPC**

Respondent

JUDGMENT

VAN DER WESTHUIZEN, J

- [1] The appellant appeals the whole judgment of the Magistrate presiding in the Magistrate's court for the District of Pretoria, held at Pretoria. The judgment of the learned magistrate was delivered on 9 June 2025

granting summary judgment in favour of the respondent against the appellant.

- [2] The respondent issued summons against the appellant for *inter alia* payment of arrear levies amounting to R50 135.85, and a fine concerning the absence of an occupation certificate amounting to R115 000.00, as well as costs. On receiving a notice of intention to defend the action, the respondent applied for summary judgment. The appellant opposed the summary judgment application.
- [3] After hearing the parties, the learned magistrate granted an order in terms whereof the appellant was to pay an amount of R27 228.80 and leave was granted to the appellant to defend the issues relating to the issues of interest and the alleged penalties. Payment of the amount of R27 228.80 was ordered in view thereof that the appellant had agreed to that amount after a recalculation of the arrears was made with the assistance of the appellant.
- [4] Dissatisfied with the aforementioned order, the appellant appealed the order. The appellant contended that the learned magistrate had erred in granting the order for payment of the agreed amount arrears. He contended that the learned magistrate ought to have granted leave to defend that amount as well.
- [5] There is no merit in the appeal. The appellant had assisted in the recalculation of the arrear amount of levies due and conceded at the hearing that he owed that amount and that it was due and payable. It is to be gleaned from the record that the appellant in no uncertain terms stated that the learned magistrate could grant payment of the said amount. During the hearing of the appeal the appellant, who appeared in person, agreed that he was obliged to pay that amount.
- [6] It follows that the appeal cannot succeed. It stands to be dismissed.

I propose the following order:

1. The appeal is dismissed with costs.

[REDACTED]
C J VAN DER WESTHUIZEN J
JUDGE OF THE HIGH COURT
PRETORIA

I agree

[REDACTED]
THUPAATLASE AJ
ACTING JUDGE OF THE HIGH COURT
PRETORIA

On behalf of Appellant: In person
Instructed by:

On behalf of Respondent: R van Schalkwyk
Instructed by: Kirkcaldy & Associates Inc

Date of hearing: 6 November 2025

Date of Judgment: 4 February 2026