REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case Number: **2026-015150**

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

6 March 2026 [redacted]

DATE SIGNATURE

In the matter between:

THE STANDARD BANK OF SOUTH AFRICA LIMITED	Applicant
and	
STANLEY SELLO LEDWABA	1st Respondent
LUNGILE LEDWABA	2nd Respondent
THE SHERIFF OF THE HIGH COURT KEMPTON PARK/TEMBISA	3RD Respondent
STAR CLUSTER TRADE AND INVEST (PTY)LTD	4th Respondent
MATHAMELO N.O PAUL	5th Respondent
RAMAKATANA N.O JACKSON PHATSWANE	6th Respondent

THE REGISTRAR OF DEEDS, PRETORIA 7th Respondent

RICHARDS F ATTORNEYS INC 8th Respondent

JUDGMENT

MODIBA, J

[1] The applicant seeks an order interdicting the registration of transfer of an immovable property bought by the 4th respondent on the 10th of April 2025 at a sale in execution. The application is opposed by the 4th and 8th respondents. They oppose its urgency and merits.

[2] The applicant holds security over the immovable property by virtue of a mortgage bond registered in its name. The 1st and 2nd respondents are the current owners of the property. The 4th respondent is the party who purchased the property at the auction. The 8th respondent is the conveyancer tasked with the registration of the property from the 1st and 2nd respondents to the 4th respondent. The 5th and 6th respondent have signed an offer to purchase the property from the 4th respondent.

[3] In this court, urgent applications are regulated by uniform rule 6(12). It provides that an applicant in an urgent application is obliged to explain clearly, in the founding affidavit, the circumstances which render the application urgent and the reason why he or she claims that he or she cannot be afforded substantial relief at a hearing in due course. The applicant failed to meet the second requirement.

[4] The basis on which the applicant sought to be heard on an extremely urgent basis is that the transfer of the property is eminent and if it is transferred to a *bona fide* purchaser, it will not have recourse in subsequent legal proceedings. However, the applicant's apprehension about the transfer of the property is not born out of the common cause facts. There is no eminent transfer of the property to a *bona fide* third-party purchaser. The 4th respondent to whom the property is about to be transferred is not a *bona fide* third-party purchaser. The *bona fide* third-party purchasers are the 5th and 6th respondents.

[5] The 4th respondent contends that he would have lodged simultaneous transfer of the property to the 5th and 6th respondents but did not do so because it is aware that the applicant intends to rescind an order granted on 3 September 2024 and to set aside the sale of the property to the 4th respondent. The 4th and 8th respondents are persisting with the transfer of the property into the name of the 4th respondent simply to avoid the 4th respondent having to incur more costs in the event that the applicant is unsuccessful in its intended application. Therefore, the applicant has not shown that if the matter is heard on the basis of urgency, it will not have substantive redress in due course.[1] It thus fails to meet the test for urgency. As contended on behalf of the 4th respondent, on this ground alone, the application fell to be struck from the roll with costs.

[6] However, since I could not hand down this judgment promptly due to extremely busy court rolls and given that the merits were fully ventilated before me, I consider it expedient to determine them.

[7] The requirements for the granting of a temporary interdict are trite. To succeed on the merits, the appellant had to establish a *prima facie* right to the interdict, a reasonable apprehension that its rights will be harmed, the balance of convenience in its favour, and the absence of any other satisfactory remedy.

[8] The application fails on the merits on the same basis as it failed on urgency, namely, the fact that the causa relied on, being the eminent transfer of the property to the 4th respondent does not give rise to a reasonable apprehension of harm to its security over the property, the balance of convenience does not favour the applicant and the applicant does have a suitable alternative remedy which it intends seeking in an application referenced above. On the other hand, if the interdict is granted and the contract is not set aside, the 4th respondent will suffer inconvenience as it will have to incur further costs associated with the transfer. Some of the costs are related to the 1st and 2nd respondents' indebtedness as owners of the property as they failed to pay them. If it succeeds

[1] *Knox v Mofokeng and Others* (2011/33437) [2012] ZAGPJHC 23; 2013 (4) SA 46 (GSJ) (30 January 2012)

in the contemplated application, the applicant will be able to vindicate the property from the 4^{th} respondent.

[9] When the facts of the case are considered as a whole, the fact that the applicant only became aware of the order granted on 3 September 2025 on 22 January 2026, which it seeks to rescind in the contemplated application, as it was not served on its attorneys, does not bolster the applicant’s case. It was served on the applicant. Regrettably, it was not sent to the foreclosure team. The order was properly served in terms of the Uniform Rules and this issue does not cure the incorrect basis on which the application has been brought.

[10] Furthermore, the fact that the 4^{th} respondent acquired the property for investment purposes and the 1^{st} and 2^{nd} respondents’ constitutional right to housing are at peril is not a point for the applicant to take. What makes it worse, the 1^{st} and 2^{nd} respondents have been cited in this application but are not opposing it and no evidence has been presented to show that the property is their primary residence and that they will be rendered homeless if the interdict is not granted.

[11] The applicant has known about the sale of the property for several months but did not, within a reasonable time, bring an application to set it aside as it had indicated. Yet, it brought the application on extremely truncated time frames and based it on an incorrect premise. These factors justify the awarding of costs on scale C.

[redacted]

LT MODIBA

JUDGE OF THE HIGH COURT

JOHANNESBURG

Appearances

For the Applicant:	Adv Amojee
Instructed by:	Strauss Daly Inc
For the 4th Respondent:	Ms Shumbambini
Instructed by:	Madamombe-Shumbamhinilaw Attorneys
For the 8th Respondent:	Mr Frank Richards
Instructed by:	Richards F Attorneys Inc
For 1st,2nd 3rd, 5th 6th and 7th Respondents:	No Appearance
Date of hearing:	28 January 2026
Date of Judgment:	4 March 2026

This judgment is handed down electronically by circulation to the parties' legal representatives by email and publication on Case Lines and SAFLII. The date for the handing down is deemed 10am.