

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 097424/2025

DATE: 12.03.2026

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES : NO

(3) REVISED



SIGNATURE

DATE: 12 March 2026

In the matter between

10 KATE NKOSI

Applicant

and

PRASA

Respondent

J U D G M E N T E X T E M P O R E

WILSON, J: This is an application to rescind a judgment granted against the applicant, Ms Nkosi, in favour of the respondent, the Passenger Rail Agency of South Africa ("PRASA"). In its answering affidavit PRASA stated that it

20 did not oppose the rescission. Its only difficulty was with the costs order sought against it. That was the final position that had been placed on record in an affidavit that was uploaded yesterday afternoon.

This morning counsel for PRASA stood up and, without reference to the answering affidavit, submitted that PRASA wishes to oppose the application on its merits.

This obviously amounts to an attempt to withdraw the

concession of the merits of Ms. Nkosi's case in PRASA's answering affidavit. Such a withdrawal is impermissible without a substantive application do so, supported by an affidavit setting out under oath the circumstances under which the concession was made, and the reasons why the concession is now being withdrawn. Failing that, an application to postpone these proceedings could have been brought to permit an application to withdraw the concession to be drafted and served.

10 For reasons best known to him, counsel for PRASA decided to bring neither application.

 In those circumstances, I must deal with the facts as they are on the papers. On those facts, the rescission application is, save in relation to costs, unopposed. Ms Nkosi has in any event abandoned her prayer for costs.

 On the papers, a proper case is made out, and there is no reason why I should not grant the rescission. I do so in terms of the draft handed up by counsel, which I have signed, dated and marked X.

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WILSON, J
JUDGE OF THE HIGH COURT
12 March 2026

