



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 152061-2025

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

31 MARCH 2026

.....
SIGNATURE

.....
DATE

In the matter between:

MARUMO GALLANTS F.C.

First Applicant

LERUMA UNITED F.C.

Second Applicant

and

SOUTH AFRICAN FOOTBALL PLAYERS UNION (SAFPU)

First Respondent

SOUTH AFRICAN FOOTBALL ASSOCIATION (SAFA)

Second Respondent

NATIONAL SOCCER LEAGUE (NSL/PSL)

Third Respondent

In re:

SOUTH AFRICAN FOOTBALL PLAYERS UNION (SAFPU)

Applicant

and

SOUTH AFRICAN FOOTBALL ASSOCIATION (SAFA)

Respondent

JUDGMENT

[1] The applicants are Soccer Clubs who approached the court on the basis of urgency for an order to the following effect:

“2. An order granted by the Honourable Court on 30 January 2026 be reconsidered and set aside.

3. An order that any of the respondents that opposes this application pay the costs in this application on attorney and client scale.”

[2] The order to which reference is made is an order granted on 30 January 2026 by Qofa-Lebakeng AJ by agreement between SAFPU and certain listed players as well as SAFA and the NSL. The terms of the order read as follows:

“By agreement between the parties the following order is made:

1. It is declared that the first respondent’s failure to take a decision to be unlawful in terms of section 6(2)(g) of the Promotion of Administrative Justice Act, 3 of 2000 (PAJA).

2. The first respondent's failure to make a decision or take administrative action as reviewed and set aside.
3. The first respondent is directed to:
 - 3.1 Within ten (10) days, after service of the order upon it, to take all steps necessary to appoint approved arbitrators to provide over the disputes between those persons identified in Annexure A and the respective present and/or former Clubs, subject to order 3.2 below;
 - 3.2 Declare those disputes between those persons identified in Annexure A and the respective present and/or former Clubs that are not compliant with the prescribed appeals procedure of the first respondent; and
 - 3.3 Within five (5) days after the appointment of the arbitrator, schedule the arbitration for hearing.
4. Each party shall bear its own costs."

[3] This application for reconsideration is formulated as an application in terms of Rule 6(12)(c). This much is apparent from the founding affidavit. However, the application to which it relates was not an urgent application whilst Rule 6(12)(c) expressly relates to the reconsideration of an order granted ex parte in an urgent application. It was not an ex parte application as the order was

granted by agreement between the parties, which parties did not include the applicants.

- [4] During argument Mr Thobejane, an attorney, purported to change tack to change the current application into a rescission application in terms of Rule 42. The difficulty with this change in tack is that the papers do not bear it out and the respondents have not been offered an opportunity to respond to it. The case for the applicants must be made out in the papers and not in argument.
- [5] Mr Thobejane purported to act as the attorney of SAFA in opposing the application which led to the order now sought to be reconsidered. When he was challenged to produce his authority in terms of Rule 7, he failed to do so. However, Mr Thobejane has been aware of the order sought to be impugned since at least 26 January 2026, when he sought to oppose the application referred to on behalf of SAFA.
- [6] In these proceedings the applicants contend that they only found out of the aforesaid application at a later stage. Mr Thobejane filed a notice oppose on their behalf- an incomprehensible step as they were not parties.
- [7] When pointed out to Mr Thobejane (representing the applicants) that the applicants are not identified as parties in Annexure A to the aforesaid order, Mr Thobejane pointed out that some of the individual players referred to in the Annexure A to the order are players who are members of the applicant Clubs. The Annexure A referred to was not on CaseLines..

- [8] In an email of 19 February 2026 (i.e. after the date of the aforesaid court order) the CEO of the South African Football Association wrote to inter alia Mr Thobejane, with reference to an appeal of Maruma Gallants F.C. / Riyaaz Nell. The import of the aforesaid letter was that an appeal statement filed on behalf of the aforesaid Club and its player was defective in that a R30 000.00 deposit as required by Article 81(1) had not been paid by the Club. In the absence of the prescribed deposit, the CEO stated that SAFA is unable to refer the matter to the Arbitration Tribunal for determination.
- [9] Similar letters were written in respect of statements of appeal by Maruma Gallants F.C. and a number of other players, which include Musa Nyatama, Tshediso Patjie, Maswime Anayo, Kgotsi Mahloane and Bokang Molete.
- [10] Mr Thobejane contended that the order appealed against had the effect of disposing of pending appeals by virtue of paragraph 3.2 of the order as quoted above. This is not how the order reads, however. That order empowered the first respondent to declare non-compliant those appeals that were found to be non-compliant. Those decisions postdate the court order. The applicants' grievance therefore relates to decisions that postdate the date of that court order. The court order itself merely empowered a decision in respect of appeals that were found not to be compliant.
- [11] The aforesaid letters by the CEO of SAFA have not made reference to the court order in question. If, however, these are the players referred to in Annexure A to that court order, then the remedy would lie in challenging the decision set out in the letters of 19 February 2026. This challenge could include

the competence of the steps taken by the CEO of SAFA. Mr Thobejane contends that the agreed power of SAFA is in breach of the SAFA constitution.

[12] The import of the aforesaid is that the applicants will obtain substantial redress in due course by challenging those decisions in appropriate proceedings. I am unpersuaded that this matter therefore meets the requirements for urgency.

[13] This is an ill-conceived application for which Mr Thobejane can be held responsible. The applicants have failed to establish a case in terms of Rule 6(12)(c). There is no application in terms of Rule 42 before me despite the submissions to that effect advanced by Mr Thobejane. In the premises the application fails.

[14] I make the following order:

1. The application is dismissed with costs on the scale as between attorney and client.
2. As this has been a hopeless case the attorney for the applicants is disallowed his fees and may not charge the applicants fees in this matter.



LABUSCHAGNE J

JUDGE OF THE HIGH COURT

APPEARANCES:

COUNSEL FOR APPLICANT : ADV THOBEJANE

INSTRUCTED BY : BOTHAMASSYN AND THOBEJANE ASSOCIATION

COUNSEL FOR RESPONDENT : ADV KLOPPER

INSTRUCTED BY : BDP ATTORNEYS INC