



*IN THE HIGH COURT OF SOUTH AFRICA*  
**GAUTENG DIVISION, JOHANNESBURG**

**CASE NO: 2024-028700**

1. Reportable: No
2. Of interest to other judges: No
3. Revised

16 March 2026

WRIGHT J

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SIGNATURE

In the matter between:

**KYALAMI GLEN HOMEOWNERS ASSOCIATION NPC**

**APPLICANT**

**and**

**ZWELIKHANYILE NGCAI**

**FIRST RESPONDENT**

**BMW FINANCIAL SERVICES SA (Pty) LTD**

**SECOND RESPONDENT**

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## JUDGMENT – WRIGHT J

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1. The applicant homeowners association obtained judgment on 30 August 2022 against Mr Ngcai for arrear levies in the sum of R439 000. An attempt to execute against movables yielded next to nothing.
2. The applicant now seeks an order that the property of Mr Ngcai be declared executable. The property in question is in the upmarket bracket.
3. In his answering affidavit Mr Ngcai does not challenge the judgment nor does he suggest that he has paid any amounts, other than relatively small amounts in reduction of the debt. He says, vaguely, that starting with covid, he had financial difficulties. He acknowledges substantial arrears.
4. Mr Ngcai, a property developer, says that he lives on the property with his family and sister who has mental health struggles. He does not say that if the order sought is granted he and his family will be homeless.
5. At the last minute, the first respondent launched a rescission application. This fact is complicated by the fact that his counsel, for today, appears to have been briefed in the rescission application rather than the executability application, which is the application before me.
6. In these circumstances, the matter should be removed but with punitive costs.

## **ORDER**

### **1. X as amended –**



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**WRIGHT J**

**Judge of the High Court**

**Gauteng Division, Johannesburg**

**HEARD : 16 March 2026**

**DELIVERED : 16 March 2026**

**APPEARANCES :**

**APPLICANT Adv WR Du Preez**

**Instructed by GMI Attorneys**

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**1<sup>st</sup> RESPONDENT**

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