

SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and [SAFLII Policy](#)



**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

Reportable/Not Reportable

Case no: 24111/2024

In the matter between:

PURPLE BLOK PROJECTS (PTY) LTD

Applicant

(Registration Number: 2022/658905/07)

and

MARLOW DAVIDS

First

Respondent

(Identity Number: 7[...])

SUSAN MARCHELLE DAVIDS

Second Respondent

(Identity Number: 7[...])

ALL OTHER OCCUPANTS OF THE PROPERTY

**HOLDING TITLE UNDER THE FIRST AND SECOND
RESPONDENTS**

Third Respondent

CITY OF CAPE TOWN

Fourth Respondent

Neutral citation: Purple Blok Projects (Pty) Ltd; Marlow Davids; Susan Marchelle Davids; All other occupants of the Property holding title under the First and Second Respondents

Coram: MANGCU-LOCKWOOD J

Heard: 04 February 2026

Delivered: 26 March 2026

ORDER

1. The first, and second and third respondents (hereinafter referred as “the respondents”), occupying the premises situated at Erf 3[...] more commonly known as [...] S[...] G[...] G[...] Street, Ruyterwacht, Cape Town, Western Cape (“the premises”), are ordered to vacate the premises on or before 29 April 2026.
2. Should the respondents fail to vacate the premises, on or before 29 April 2026, the sheriff of the above Honourable Court is authorised to evict the first, second and third respondents together with their possession from the premises, on 30 April 2026, or as soon as possible thereafter, and the registrar of the Court is authorised to issue the Warrant of Ejectment as of 30 April 2026.
3. No order as to costs.

JUDGMENT: REASONS

MANGCU-LOCKWOOD, J

[1] These are reasons for the order granted in Third Division on 04 February 2026, for eviction of the first to third respondents ('the respondents'). The applicant brought an application in terms of the Prevention of the Illegal Eviction from Land and Unlawful Occupation of Land Act 19 of 1998 (PIE Act), for eviction of the respondents from the immovable property situated at [...] S[...] G[...] G[...] Street, Ruyterwacht, Cape Town, Western Cape. The first and second respondents are a married couple, whilst third respondents include their two children.

[2] The history of the matter is set out in the founding affidavit of the applicant, which remains unopposed. On 04 April 2024, the previous owner of the property informed the first and second respondents, who were the co-tenants in terms of a previous lease agreement, that the property had been transferred to the applicant and that rental, accounts and any related matters were to be directed to the duly appointed agent of the applicant. In the period between 04 April 2024 and 19 June 2024, the applicant offered the respondents opportunity to enter into

a new written agreement of lease with the applicant, which they refused to accept or discuss. The communication in that regard is in the record.

[3] On 19 June 2024, the applicant's legal representatives issued a formal notice to the first and second respondents noting that: (a) they had failed to make payment of rental despite of their continued occupation on the premises; (b) they had refused the applicant and/or its representatives access to the property for inspection and maintenance purposes, despite the applicant's request for such access; and (c) they had failed to liaise with the applicant to regularize their occupation on the premises.

[4] The notice cancelled any and all previous agreements that may have existed between the applicant and the first and second respondents with immediate effect, and provided them with one calendar month's notice to vacate the premises. The notice was served personally upon the first respondent by the sheriff on 24 June 2024.

[5] On 19 August 2024, the applicant's legal representative received a letter from OSP Attorneys stating *inter alia* that they acted for the respondents and requesting that the applicant consider offering the property to the respondents for sale. This was duly done, and on 28 August 2024, an offer was made to sell the property to the first and second respondents for an amount of R850 000.00. The respondents were requested to revert by no later than 04 September 2024. No response was ever received to that offer.

[6] At the same time, the first and second respondents were presented with an invoice for rental which was to be settled by 01 September 2024. The invoice was not settled.

[7] On 20 September 2024, the applicant's legal representatives issued a further notice to the respondents repeating the contents of the previous notice of 19 June 2024. The notice, cancelled all previous agreements with effect from 01 October 2024, and granted them notice to vacate by 01 November 2024. This notice too, was served by the sheriff.

[8] On 14 November 2024 the application in terms of s 4(1) of the PIE was served by the sheriff personally upon the first respondent, and in terms thereof the respondents were informed of the set down date of 20 February 2025. On 6 December 2024 the court issued an order in terms of s 4(2) of the PIE Act and it was served on the respondents on 16 January 2025.

[9] On 20 February 2025 the respondents were in attendance at court, and a court order was issued by agreement, providing for a timeline of the litigation which was to be conducted on an opposed basis. The matter was postponed to 27 August 2025, and the respondents were ordered to file their answering affidavits by 30 April 2025, which was to include certain specified information relating to their personal circumstances. In addition, they were ordered to complete the fourth respondent's ('the City') personal circumstances questionnaire and submit it to the applicant's attorneys by 30 April 2025. The first and second respondents failed to comply with the court order of 20 February 2025 in any way.

[10] The applicant's legal representatives corresponded with the respondents on at least four different occasions reminding them of their non-compliance with the court order of 20 February 2025, on 8 May 2025, 22 May 2025, 29 May 2025 and 13 June 2025. The emails in that regard appear in the record. No response was received from the respondents.

[11] As a result of the non-compliance, the applicant's legal representatives brought a chamber book application to compel the respondents to deliver their answering affidavit within five days of service of the court order. The court order was granted on 6 August 2025 and was served upon the respondents by sheriff on 10 September 2025. Apart from ordering the respondents to deliver their answering affidavit within five days of service of the court order, the chamber book order provided as follows at paragraph 2:

‘Should the Respondents fail to file the above-mentioned affidavit/s within the time periods as stipulated in paragraph 1 above, that the Applicant shall be entitled to set the application down for hearing on the unopposed motion court roll in the third division of this Honourable Court.’

[12] The respondents did not file an answering affidavit in compliance with the chamber book court order, and as it was entitled to do in terms of paragraph 2 above, the applicant set the matter down for hearing on the unopposed motion court roll in the Third Division. On 12 January 2026 another notice of set down was served on the respondents by the sheriff. It is recorded in the sheriff's return of service that the respondents were not willing to receive the served documents. The notice of set down was also served to the first respondent by email, with no response.

[13] On 4 February 2026 the matter was called up in court and the first respondent appeared in person and requested a postponement so that he could obtain legal representation. He could not provide an answer for why no answering affidavit had been filed in response to the two court orders of 20 February 2025 and 6 August 2025, or why there had been no communication in that regard with the applicant or its legal representatives. Furthermore, as already indicated, the respondents were previously legally represented, and those lawyers could have communicated on their behalf, or drafted the answering papers on their behalf. Furthermore, the respondents had known since at least 12 January 2026 about the set down of the matter, when they refused to accept service, and yet had not appointed legal representatives. Not to mention all the time they had from 20 February 2025 at the first appearance of the matter, and all the subsequent legal steps taken in the matter, which provided opportunity for them to seek legal representation if they so wished. Not once did they contact the applicant or its representatives setting out any difficulties they might have experienced concerning legal representation.

[14] Apart from the court orders already granted, it is clear that the applicant has gone to great effort to obtain co-operation from the respondents, before and after the launching of these proceedings, to no avail. In all the correspondence summarized earlier, there has never been any denial of their indebtedness or failure to pay rental in consideration of their occupation of the property, nor denial of their failure to enter into a lease agreement or any kind of arrangement to regularize their occupation. In other words, for a period of some two years, the respondents have never denied the basis for this application.

[15] In addition to this, they have failed or neglected to complete the City's questionnaire setting out their present circumstances. The questionnaire was attached to the s 4(2) notice which was served upon the respondents in December 2024. It was again mentioned in the court orders of 20 February 2025, where the respondents were ordered to complete it and to furnish it to the applicant's attorneys by 30 April 2025. Even if the respondents did not have legal representation, they could have completed that form. There is no explanation for their failure to do so. Their conduct demonstrates an alarming disdain, not only for their new landlord and its legal representatives, but also for the processes and authority of this court. It is against the interests of the proper administration of justice for various judicial officers to be burdened repeatedly with the same matter, saying the same thing, while the respondents sit on their laurels for two years, only to arrive at the last minute to seek postponement.

[16] Since the respondents have never indicated a basis for a defence to the main claim, a postponement would only result in further delays, in circumstances where the applicant will incur further financial prejudice, while the respondents continue to occupy the premises without paying rent and refuse to grant access to the owner of the property. A postponement will accordingly not be in the interests of justice and only serve to prolong and delay the proceedings. The postponement was accordingly refused.

[17] As regards the just and equitable considerations, according to the contents of the founding affidavit which remain unopposed, the third and fourth respondents are a male and an adult female who are children of the first and second respondents. According to the expired lease between the previous owner the first and second respondents, their dates of birth are 19 March 2002 and 16

November 1995, and they are accordingly adults. As for the rest of the particulars, they remain undisclosed because the respondents repeatedly failed to complete the City's questionnaire, as already discussed.

[18] In terms of the court order granted, the respondents were accordingly granted two months to vacate the property. There was no indication that they could not find alternative accommodation, whether in the vicinity of the current property or elsewhere. They have been afforded effectively close to 2 years' notice to comply with the requests of the new owner, since the commencement of the correspondence set out earlier. On the other hand, they have continually failed to pay rent and refused to either enter into a lease agreement or to grant the owner access to the premises, all of which is grossly unfair towards the applicant.

[19] As a result, the following order was granted:

1. The first, and second and third respondents (hereinafter referred as "the respondents"), occupying the premises situated at Erf 3[...] more commonly known as [...] S[...] G[...] G[...] Street, Ruyterwacht, Cape Town, Western Cape ("the premises"), are ordered to vacate the premises on or before 29 April 2026.
2. Should the respondents fail to vacate the premises, on or before 29 April 2026, the sheriff of the above Honourable Court is authorised to evict the first, second and third respondents together with their possession from the premises, on 30 April 2026, or as soon as possible thereafter, and the registrar of the Court is authorised to issue the Warrant of Ejectment as of 30 April 2026.
3. No order as to costs.

N. MANGCU-LOCKWOOD
Judge of the High Court

Appearances:

For applicant:

Instructed by:

W. Luitjies, Toefy Attorneys

For first, second and third respondents: M. Davids (in person)