REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No: 060308-2026

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES
07 APRIL 2026	[redacted]
DATE	SIGNATURE

In the matter between:

MAJESTIC T/A SECURITY (PTY) LTD **APPLICANT**

and

FINDR (PTY) LTD **RESPONDENT**

JUDGMENT

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[1] This is an urgent application for specific performance based on an exclusive agency agreement ("the agreement") entered into between the Applicant and Respondent, regarding the project known as the MAST Tower Project.

[2] In terms of the agreement, the Applicant is the exclusive agent authorized to market and sell the Respondent's product and services to the MAST Tower Project. In turn, the Applicant's remuneration was derived from the Applicant's mark ups placed on the Respondent's product when it was sold, and the mark up on the licensing fee.

[3] The Respondent attempts to suspend or cancel the said agreement unilaterally. Further, and on or about the 13th of March 2026, the Applicant learned that the Respondent was involved in deals made behind the Applicant's back, which would result in the Applicant's loss of revenue. It was learned that such deals will be completed by the 27th of March 2026, necessitating an application on an urgent basis.

[4] The urgency relied upon in this matter is one of commercial urgency. The underlying basis of the current application is a clear right seeking to protect the Applicant's protectable interest in enforcing the terms of the agreement. If the Applicant were to proceed with this application to seek specific performance in the ordinary course, it would defeat the very protection that the Applicant seeks to safeguard.

[5] An application for condonation of the late filing of the Respondent's Answering Affidavit was considered. The court directive published emphasised the affidavits to be filed, indexed and paginated by no later than **Saturday at 12:00 on 21 MARCH 2026**, bearing the risk of being struck off. "No piece meal filing of Affidavits will be allowed due to time constraints imposed by the nature of urgent court proceedings." The Urgent Court is duty bound to regulate its process and proceedings.

[6] The Respondents did not file their Answering Affidavit timeously, and on the 24th of March 2026 (3 days after the papers should have been filed), sent their Answering Affidavit via email to the Judge's Secretary stating that they were unable to file same on Caselines. On the date of hearing, the Respondent sought condonation for the late filing of their Answering Affidavit.

[7] In considering whether condonation should be granted, the court in ***Grootboom v National Prosecuting Authority and Another***[1] highlighted that Condonation is not merely for the taking: -

"It is now trite that condonation cannot be had for the mere asking. A party seeking condonation must make out a case entitling it to the court's indulgence. It must show sufficient cause. This requires a party to give a full explanation for the non-compliance with the rules or court's directions. Of great significance, the explanation must be reasonable enough to excuse the default"[2]

[8] In the present matter, the Respondent has failed to sufficiently account for the delay. On this basis, condonation for the late filing of the Answering Affidavit was refused.

[9] In granting the applicant interim relief, prayer 5 of the court order protects the *status quo* of the Applicant's interests for a period of 60 days only, pending the institution and finalisation of an action by the Applicant. This interim relief freezes the position until a court decides where the right lies. It is the only remedy available, and no other alternative or satisfactory remedy is present as there is a well- grounded apprehension of harm. The balance of convenience favours the granting of the interim relief. The issues of non-joinder are to be addressed in the main application.

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[1] (2014) 2 SA 68 (CC)
[2] (2014) 2 SA 68 (CC) para 23

[10] In ***TWK Agriculture Holdings (Pty) Ltd v Hoogveld Boerderybeleggings (Pty) Ltd and Others***[3], the court, in considering the interests of justice, warned against blindly adopting the standard of "*interest of justice*" as the foundational basis for determining appealability. It noted that doing so "*would put in place a regime that is both unpredictable and open-ended*"[4]. This approach, it explained, could prompt litigants to seek leave to appeal prematurely, even where further proceedings are required. The court underscored that "*the doctrine of finality must figure as the central principle of consideration when deciding whether a matter is appealable to this court.*"[5]

[11] Given that the court order granted was interim in nature, providing for the restoration of the *status quo* of the Applicant for only 60 days, the interim order is not appealable as it does not amount to a final order.

[12] As a result, I am satisfied that the Applicant has made out a case for urgent interim relief as set out above.

[13] **Court Order**:

[13.1] This is an interim order.

[13.2] The matter is found to be urgent as envisioned in Rule 6(12) of the Uniform Rules of Court and non-compliance with the forms and relevant time-periods as set out in the Rules are condoned.

[13.3] In preserving the *status quo*, the Respondent is interdicted from delivering any product for the MAST project and that stock for this purpose must be delivered to the Applicant subject to the terms of the agreement as set out in the founding Affidavit.

[3] (273/2022) [2023] ZASCA 63 (5 May 2023)
[4] (273/2022) [2023] ZASCA 63 (5 May 2023) at para 27
[5] (273/2022) [2023] ZASCA 63 (5 May 2023) at para 30

[13.4] That in relation to the Respondent's stock already delivered or delivered hereafter for the MAST project, the Respondent must make available and maintain their data platform to the Applicant and MAST subject to payment of the monthly licensing fee and subject to the functioning of the data platform.

[13.5] Orders 3 and 4 above shall serve as an interim order with immediate force and effect, pending the institution and finalisation of an action by the Applicant, which must be instituted within 60 days from the date of this order, to determine the issue regarding the exclusivity of the agreement between the parties in so far as it related to the MAST project.

[13.6] The Respondent is ordered to pay the cost of the application, such cost to include the cost of two counsel on Scale B.

[redacted]

R. FRANCIS-SUBBIAH

Judge of the Gauteng High court: Pretoria

Hearing: 26 March 2026

Judgment: 26 March 2026

<u>Appearances</u>

For Applicant:	Adv. LF Taljard
Instructed by:	S Morgan & Associates
For Respondent:	Adv S Shawn
Instructed by:	Myers Attorneys Incoprorated