



IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION, MIDDELBURG

CASE NO: 2025-117330

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED:
	
SIGNATURE	06/05/2026 DATE

In the matter between:

SOUTH AFRICAN FOOTBALL ASSOCIATION FIRST APPELLANT
(SAFA) GERT SIBANDE REGION

SOUTH AFRICAN FOOTBALL ASSOCIATION SECOND APPLICANT
(SAFA) NATIONAL

And

HOME DEFENDERS FC	FIRST RESPONDENT
NGOSINGIPHILE NGWENYA	SECOND RESPONDENT
THE JOHANNESBURG WEST SHERIFF	THIRD RESPONDENT
FIRST NATIONAL BANK	FOURTH RESPONDENT

JUDGMENT

PHAHLAMOHLAKA J

[1] This is an urgent application but in terms of rule 6(12) of the uniform rules of court. In the amended Notice of Motion, the applicant seeks an order in the following terms:

1.1 Condoning noncompliance with the Rules of Court relating to forms, service and time periods and directing that this application be had as one of urgency in terms of Rule 6(12)

1.2. Pending the institution and finalization of the applicants' review in respect of the taxation of the respondents bill of costs and or the setting aside of the taxing master's *allocatur* the execution of the taxed bill of costs be suspended and or stayed in terms of rules 45A including the suspension and or stay of any writ of execution and all the execution process pursuant there to;

1.3 That the respondents be interdicted and restrained from taking any further steps in execution, including but not limited to the attachment of the applicants' bank accounts and or any other property pending the finalization of the taxation review;

1.4 Alternatively to prayer 2, and or to the extent necessary, that any current execution steps taken without proper service of the writ on the first applicant be declared irregular, and of no force and effect, and be set aside;

1.5 That the respondents be ordered to pay costs of this application including costs occasioned by urgency on attorney and client scale;

1.6 Directing the sheriff of Johannesburg west to immediately suspend and desist from all execution steps arising from the impugned writ.

[2] The application is opposed on the basis that it is not urgent; that it is an abuse of the court processes because the applicant brought a similar application before Fourie AJ on the 28th of April 2026 and same was struck off the roll for want of urgency. The respondent further raises other points *in limine* which I am not intending to deal with at this stage because they do not relate to process and procedure on how the matter was set down.

[3] I will first deal with urgency because for this court to deal with the merits of the application the court must be satisfied that the applicant has satisfied the requirements set out in rule 6(12)(b) of the Uniform Rules of Court.

[3] The parties are *ad idem* that the applicants brought an application that served before Fourie AJ on 28 April 2026, which application was struck off the roll for want

of urgency. Perhaps it is opposite to refer to the Notice of Motion that served before Fourie AJ on 28 of April 2026. The applicants then sought relief in the following terms:

3.1 Condoning noncompliance with the Rules of Court relating to forms service and time periods and directing that this application be heard as one of urgency in terms of Rule 6(12).

3.2 Declaring that the issuing and execution of the writ of attachment issued on 25 March 2025 and served on the second applicant on 21 April 2026 under case number 2025/ 117330, was premature, unreasonable, and procedurally improper, having been effected without compliance with the duty imposed by rule 9(9) of the Uniform Rules of Court;

3.3 Staying the execution of the writ of attachment, with immediate effect, pending the final determination of:

3.3.1 An application reviewing and/or rescinding the taxing master's *allocatur*; and/or

3.3.2 Any process required to properly ventilate disputes regarding the taxed costs; and/or

3.3.3 Any further relief the applicant may seek.

3.4 Directing the Sheriff of Johannesburg West to immediately suspend and desist from all execution steps arising from the impugned writ.

[4] May I hasten to say the facts informing the urgent application that served before Fourie AJ and the current application are materially identical.

[5] At the outset, I enquired from Counsel for the applicants to identify the trigger event for the current application. He referred to a notice in terms of rule 45(12)(a) that was served on the applicant on the 24th of April 2026 before the initial application that was set down and heard on the 28th of April 2026.

[6] counsel for the applicant struggled to answer me when I enquired if the applicant was aware of the existence of the notice on the 28th of April when the matter served before Fourie AJ and ultimately struck off the roll for want of urgency. It is understandable for counsel to struggle to give a definite answer because the notice in question is the high watermark of the applicant's case.

[7] On urgency the applicant avers that the Sheriff has now attached the second applicant's bank account, and referral is made to annexure S1 which is an email trail where the second applicant was informing its legal representative about the attachment. It must be noted that annexure S1 is dated the 24th of April 2026. The applicant further avers that the sheriff served a notice in terms of rule 45(12)(a) which notice is defective. In this regard the notice was attached as annexure S2.

[8] I have already indicated that annexures S1 and S2 were at the disposal of the applicant on the 28th of April when the initial application was heard.

[9] I refer with approval to an unreported judgment of the Western Cape Division by Bhoopchand AJ in *Feed Chain Industries and Others v Technical Systems (Pty) Ltd* (Case no: 2025-140896, delivered on 23 January 2026) where the court remarked as follows:

“para [10]-A finding that a matter is not urgent is not res judicata in the strict sense. However, the circumstances in which a litigant may re-enroll an urgent application are if new facts have arisen after the earlier hearing, or there has been a material change in the circumstances, or the earlier court expressly granted leave to enroll...”

[10] In *casu* no new facts have been established, nor has there been any material change in the circumstances.

[11] The current application is a carbon copy of the application that served on the 28th of April.

[12] I echo the sentiment of Bhoopchand AJ that the repeated enrolment of identical urgent applications constitutes an abuse of the court process. The court must therefore frown upon litigants who approach the urgent court vexatiously. Matters that are truly urgent must be enrolled on the urgent roll, otherwise if the courts allow habitual litigants to enroll matters that do not belong to the urgent court roll, valuable resources are being wasted, which resources ought to be reserved for deserving matters.

[13] It is therefore my view that this court must show its dismay by awarding an appropriate costs order. I agree with Counsel for the respondents that the applicants must be mulcted with costs on attorney and client scale.

[14] Consequently, the application stands to be struck off the roll for lack of urgency.

[15] In the result I make the following order:

1. The application is struck off the roll for want of urgency.
2. The applicants are ordered to pay costs on attorney and client scale. Costs of Counsel on scale C.



 K F Phahlanohlaka
 Judge of The High Court

Appearances;

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For the Respondents: Adv S Zimema

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Date of Hearing: 5 May 2026

Date of Judgment: 6 May 2026