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**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

CASE NO: 3675/2025

In the matter between: -

**THE TENANTS WHO CURRENTLY OCCUPY
CASCO CENTRE, 8[...]/8[...] U[...] ROAD, DURBAN**

Applicant

and

CHESTNUT HILL INVESTMENTS 299 (PTY) LTD

First Respondent

ETHEKWINI MUNICIPALITY

Second Respondent

SHERIFF OF THE DURBAN COASTAL DISTRICT

Third Respondent

REASONS

PITMAN J

[1] On the afternoon of 7 May 2026 I was allocated this application, brought as an urgent. The applicants are described as "The tenants who currently occupy Casco Centre, 8[...]/8[...] U[...] Road, Durban" ("The Casco building"). The first respondent is Chestnut Hill Investments 299 (Pty) Ltd, the second is the eThekweni Municipality and the third is the Sheriff of the Durban Coastal District.

[2] *Ex facie* the filing notice and notice of motion, the applicant's attorneys are recorded as Ngidi Incorporated Attorneys (Hereafter "Ngidi Attorneys"), of Isipingo Rail c/o Magubane Attorneys, 3[...] A[...] L[...] Street, Durban. The email address given as the email address for communicating with Magubane Attorneys is recorded as being a[...].

[3] I heard argument from counsel for the applicant's, Advocate Dlamini, and counsel for the first respondent, Advocate Patel. I then adjourned the application until 10am on the morning of 8 May 2026 in order for Advocate Dlamini to provide a list of the names of the applicants who he actually represented.

[4] The next morning, when the matter was recalled, Advocate Dlamini supplied me with a list of names which is attached as annexure "A" to the Order that I granted that day. I then allowed the parties to address me further on the issues. Advocate Patel made further submissions as to what he alleged were irregularities in the actual application papers. Advocate Dlamini denied irregularities and persisted for urgent relief.

[5] In order for me to effectively deal with Advocate Patel's allegations that the signature of the alleged attorney on the notice of motion was irregular because, so he submitted, the said Ngidi was not in fact an attorney but acting as a magistrate at the time, and because Advocate Dlamini had informed me that the notice was in fact signed by someone else at those offices by the name of Mrs Maphumulo, I stood the application down again until 13h15 directing that Mrs Maphumulo attend court to explain. She arrived with Advocate Dlamini at approximately 13h30. She was sworn in and gave evidence as to her position and authority at Ngidi Attorneys. Thereafter I permitted both counsel to address me further.

[6] I then made the Order I did, on 8 May 2026. I indicated that I would provide written reasons on Friday, 15 May 2026. A copy is attached hereto as "A." These are my reasons.

The Application

[7] The urgent application was accompanied by a founding affidavit, together with annexures. It was deposed to by one Lungisile Sipungela, an adult male, who alleged that he did so on behalf of the other applicants also.

[8] The essence of the application was that on the 6 May 2026, a rainy and wet day, he and his fellow applicants (24 of them it transpired from the list eventually provided) were forcibly evicted from their home residential units, created and let out by the owners of that building (the first respondent), in a commercial area of Umgeni Road, Durban. They were evicted by the third respondent acting on the instructions of the first respondent. Their belongings had been thrown onto the street. Some of them had been present at the time and had also been evicted onto the street. Others were at work. The annexures to his affidavit include photographs of their belongings on the street.

[9] The founding affidavit in this urgent application alleged that on around 29 April 2026 the applicants' attorney had issued a rescission application in respect of an eviction Order against them obtained by the first respondent on 14 October 2025. That rescission application had been allocated a date, so the affidavit contends, being 17 July 2026, for a first hearing. The rescission application papers were attached. The rescission application had not yet been formally opposed.

[10] Lungisile Sipungela had also deposed to the founding affidavit in the rescission application. He alleged therein that he and the other applicants had been parties to a PIE application brought by the first respondent towards the beginning of 2025. They had opposed the PIE application and had utilised Phumzile Msimango Attorneys. That firm of attorneys, so he stated, had also represented them in earlier applications, one dealing with disconnections of electricity and another *inter alia* interdicting the first respondent from evicting them from the building. An Order of this Court dated 21 February 2025 was annexed. A rule nisi had been issued and one of the interim Orders, granted with immediate effect, read:

'1.3 That the First Respondent is interdicted and restrained from unlawfully evicting the applicants from the building.'

[11] In the rescission affidavit the deponent further states that during the PIE application process they were made aware by Mrs Msimango (their attorney) that she was attending court on their behalf on 14 October 2025. Although some applicants attended at the court building on the day, he states that Mrs Msimango did not inform them of the outcome and told them that they should wait for the Order. From then on Mrs Msimango became difficult to get hold of. Eventually on 28 March 2026, when he got hold of her, she told him that the court Order was missing from the court file. On 30 March 2026 he says she sent him a screenshot of the court Order. Only then were they able to arrange a meeting with new attorneys on 4 April 2026 to get advice. They had lost faith in their erstwhile attorneys, it seems, because they could not understand the court Order.

[12] The new advice shocked them because it was made clear that the Order stated that they had all agreed to vacate the building by 30 April 2026. In addition, it recorded that their earlier application, which interdicted their eviction, had been "*withdrawn*." He denied that they had ever given instructions to their attorney to agree that Order on their behalf and accordingly contended that it was falsely and illegally sought and obtained allegedly "*by consent*." The rescission application accordingly seeks the setting aside of that Order.

[13] The rescission application was served on the first respondent on 29 April 2026. That is common cause. The eviction was effected by the first respondent on 6 May 2026, seven days after the service of the rescission application. It had not been opposed yet, and neither the first respondent nor its attorneys gave any warning to the applicants or their attorneys that notwithstanding the rescission application, or the expiry of the period permitted to remain in terms of the PIE Order, the eviction would be carried out on 6 May.

[14] This urgent application asks for a rule nisi with relief, including urgent interim relief, interdicting the eviction of the applicants from the relevant premises, granting them renewed access thereto, and restoring any demolished material or resources to *"each of the units occupied by the applicants"* pending the finalisation of the rescission application. The relief sought relating to the restoration of alleged demolished material and resources with immediate effect was not sought as immediate interim relief.

[15] The respondent had not opposed, nor delivered, any answering affidavit in either the rescission application or the urgent application at the time this urgent application was called late in the afternoon of 7 May 2026. The respondent's counsel argued that the respondent had had insufficient time to prepare an answering affidavit to the urgent application. Later, when I questioned him about why there had been no affidavit delivered answering the rescission application, he conceded that an answering affidavit to this rescission application ought to have been prepared but again alleged that the reason was that time had been short and that the *dies* for that purpose had not yet expired. As indicated above I have sight of the rescission application and also the PIE eviction papers under case number 3675/2025, which are included in the court file.

The arguments

[16] The applicants, so it is set out and was argued, had resided in housing units created inside this building since as early as 2009. These units had been created for residential purposes and were then let out by the owners of the building to the applicants, and others over time, at an agreed rental. Electricity was supplied via an electricity meter which the residents could top up as and when they needed to. In addition, ablution facilities had been created for use by the residents. The applicants had opposed the PIE eviction application and believed that their opposition was being professionally and responsibly managed by their erstwhile attorneys, Phumzile Msimango Attorneys. It appears that the applicant's new and present attorneys did not appreciate that a rescission application did not suspend, automatically, the PIE Order.

The papers in this urgent application accordingly did not deal substantively with that issue. I was unimpressed by the representation of the applicants by advocate Dlamini at both the hearing on 7 May and on 8 May, as was I unimpressed by the testimony of Mrs Maphumulo who, it turned out, had signed the Notice of Motion in both the rescission application and this urgent application. More will be said about this shortly.

[17] The essence of the facts upon which the applicants rely in the rescission application are already referred to above. They allege that the PIE Order was illegitimately obtained and are therefore entitled to its rescission on the basis of Rule 31(2)(b) and/or "*the common law*" because "*false information was given to the court and that...false information was the cause of the unfavourable judgment against...*" them.

[18] The applicants further submitted that the respondent has "*...decided to take the law into their own hands by throwing out our belongings in the wet streets ...*", that they have been rendered homeless and now have to sleep on the streets where they are exposed to rapes, muggings and general crime. They submit that their group includes young children, some school going, and also elderly citizens and single mothers. I could see the range of ages from the applicants who were present in court.

[19] The applicants' deponent submits that they have established a *prima facie* right, that there existed an apprehension of irreparable harm and that the balance of convenience favoured the Orders they sought.

[20] The respondent submitted, in opposing the urgent application, *inter alia* that:

a) In evicting the applicants and their belongings on 6 May 2026, the first respondent had acted lawfully in terms of an Order granted to it on 14 October 2025. It did so by virtue of a warrant of execution, executed by the third respondent. As such, so it was argued, there was nothing illegal about what the first respondent did and as a consequence the applicants were not entitled to any of the Orders they sought.

- b) The application was not urgent because it ought to have been brought before the rescission application was issued, or at least at the same time, because the rescission application did not stay the eviction Order.
- c) The application was irregular because Mr Ngidi could not have legitimately signed the application papers as he was acting as a magistrate at the time. In addition, the first respondent's attorneys had not been able to make any contact with Mr Ngidi's firm, which did not appear to operate from the address set out in the documents. The same applied, so it was argued, in respect of the "*correspondent*" attorneys. During his submissions in this regard, I noticed that the email address given on the notice of motion as being the email address of the correspondence attorneys appeared to be in fact the email address of the applicant's counsel advocate Dlamini. Advocate Dlamini confirmed that it was.
- d) The eviction could not be interdicted because it is already taken place.
- e) Any Order permitting the return of the applicants to the premises could not happen because the internal dry walls, which partitioned off the various units in which the applicant had resided, had already been demolished during 6 May 2026. In addition, building material had been moved into the premises on the same day to start remedial work required by the second respondent to legitimise the first respondent's premises as the second respondent had determined that the first respondent was in breach of various "*building regulations*" and had already been prosecuted by the second respondent for those infractions.
- f) The applicants' erstwhile attorneys ought to have been joined as a party in the rescission application based on the allegations made therein.

[21] In view of the challenge to the "*irregularity*" of the application papers themselves I raised that issue with advocate Dlamini. As set out above, he submitted that the notice of motion had in fact been signed by a Mrs Maphumulo at the offices of Ngidi Attorneys. He indicated to me that she was an attorney there. He submitted that his email address was inserted as this was the standard situation in all matters he dealt with for them. He indicated that this was because he was "*seized with the matter*." He denied that he was conducting the work of an attorney despite being an advocate registered with the LPC

as a "*non-trust fund*" advocate which meant that he was only permitted to act on instructions from an attorney and could not act as an attorney himself.

[22] In order to expeditiously deal with these issues, I directed that Mrs Maphumulo attend court, which she duly did on the same day. She testified that she was a candidate Attorney at Ngidi Attorneys. She confirmed that Mr Ngidi was a magistrate at the time. She claimed that she had signed the document because she did so on behalf of the firm. Initially she said it was on behalf of Mr Ngidi, but when it was pointed out by me that whilst acting as a magistrate he was not permitted to act as an attorney, she stated that another attorney at the firm had actually instructed her to do so. She had no sensible answer as to why advocate Dlamini's email address had been used on the notice of motion. She conceded that the purpose of the email address would have been to inform any potential opposing attorneys or other persons of who to contact for the applicants in relation to, *inter alia*, the future conduct of the matter and the necessary future documentation. She disagreed that advocate Dlamini was, in the circumstances, performing the duties of an attorney. She stated that advocate Dlamini had been given an oral brief in this matter. (He had also said so.) When in the witness box she had in her possession a pink folder with documents. It appeared to be the same folder that advocate Dlamini had been in possession of before she arrived, when he initially argued the matter. He had submitted during argument, whilst holding up that folder, that this was the attorney's "*file*." I asked Mrs Maphumulo whether the pink folder she had in her possession in the witness box had been given to her by advocate Dlamini when she arrived at court that day. She denied that. Advocate Dlamini, however, then stood up and submitted that in fact he had given to her. *Prima facie*, therefore, it seems as if she was being less than honest. Her explanation of why advocate Dlamini's email address was used as a correspondence reference, and advocate Dlamini's submissions as to what precisely advocate Dlamini's duties and responsibilities in the matters were intended to be, and actually were, in my view require a proper investigation by the LPC to decide on whether any professional obligations and/or duties have been breached by them.

[23] Part of my Orders therefore require the transcription of the proceedings at the hearing and the referral of them to the Legal Practice Council for an investigation into the professional conduct of both Mrs Maphumulo and advocate Dlamini in relation to their involvement in this matter.

[24] Returning to the merits of the application itself, the following facts are common cause:

- a) The first respondent is the owner of the Casco building having purchased it in 2012.
- b) That building had been occupied by applicants prior thereto and since at least 2009.
- c) In 2020 the second respondent took issue with the first respondent's occupation and use of the building, contending that it was unauthorised and unlawful, and demanded that it be regularised by demolishing what was there.
- d) In 2022 the first respondent's Director was criminally charged and fined by the second respondent for this infraction.
- e) In 2023 plans for the legitimate restoration of the premises were authorised by the second respondent.
- f) The second respondent, initiated PIE eviction proceedings against all occupants (including the applicants).
- g) Those proceedings were opposed by the applicants as set out above.
- h) On 14 October 2025, an eviction Order was made against the applicants which indicates that it was made "*by consent*". It allowed the applicants 6 months to leave, making 1 May 2026 the effective date.
- i) The applicants issued and served the rescission application on 29 April 2026.
- j) The applicants were, without any notice to them or their rescission attorneys, forcibly evicted by the third respondent on the instructions of the first respondent on 6 May 2026.

[25] There is an additional important and material fact which was not raised in the application papers, but which is evident from a perusal of the file, and which was conceded as a fact by the first respondent's counsel during argument after I brought it up. It is the following.

[26] Prior to the final Order in the PIE application, an Order was made by Mossop J on 6 August 2025 in relation to the service of a notice in terms of Section 4(2) and (5) of the PIE legislation. Paragraph 4 of that Order reads:

'The Second Respondent is directed to deliver its report on the relocation of the First Respondent to alternative accommodation in terms of section 4 (7) of the Prevention of illegal Eviction from and Unlawful Occupation of land Act, 1988, within thirty (30) days of the grant of this Order, without requiring the input and assistance of the Applicant in preparing and providing the said report'.

[27] This had not been done by the second respondent by the time the final PIE Order was granted. In fact, page 77 of the PIE application papers is a letter from the first respondent's attorneys to the second respondent dated 5 September 2025 pointing out that the report had not yet been received and requesting that the report be furnished urgently "*failing which you will be in contempt of court*".

[28] It is not possible to tell from any of the papers in this file on what basis a final eviction Order in terms of PIE could have been granted "*by consent*" on 14 October 2025 in the absence of that report. A Court Order had required it.

Analysis

[29] The applicants in this urgent application seek interim relief pending the finalisation of the rescission application. As such they are required to establish at least a *prima facie* right to that interim relief, a well-grounded apprehension of irreparable harm

if the relief is not granted, that the balance of convenience favours them and that they have no other satisfactory remedy.

[30] As I have had to prepare these written reasons under time constraints due to the urgency of the matter and the Order I gave a few days ago, I do not set out the precedent supporting the following legal conclusions. In any event, in my view they are fundamentally trite. These legal conclusions are that the applicants have the Constitutional right to housing as enshrined in s 26 of our Constitution. They also have a right to the proper and legitimate application of the PIE legislation before they may be evicted from their homes. They equally are entitled to the protection of the law in relation to individuals who have taken the law into their own hands.

[31] In this matter the first respondent initially followed a PIE process. However, in my view, despite the apparent "*consent order*," the facts before me at the moment *prima facie* indicate that such consent order ought not to have been granted in the absence of the report from the second respondent. That report was self-evidently crucial because families that had been living in those premises for many years legitimately and had at all times paid rent for such accommodation and needed somewhere else to go. Accordingly, the PIE process was not complete when the consent order was granted.

[32] Whilst it is correct that a rescission application does not automatically stay the relevant court Order, the delivery of the rescission application had put the first respondent and its attorneys on notice that the eviction order is being challenged. The first respondent takes the view that because no application to stay the eviction order had been brought simultaneously with the rescission application, it was entitled to summarily proceed with the eviction without any notice to the applicants or their new attorney. In my view, given the facts and circumstances of this matter, being the eviction of families from their homes into the street, the failure to give some notice (at least a few days) that it intended doing so once the six-month period had expired, was unconscionable. Advocate Patel for the first respondent took offence during argument

with my categorisation of that conduct as being possibly "*heartless*." However, my opinion in that regard, remains the same.

[33] Advocate Patel argued that delaying the eviction any further could result in significant further delays to the first respondent's remedial work on the property, while concluding the rescission application. In my view that argument, even if relevant, is of little persuasive weight. I say so because the applicants are entitled to proceed with their rescission application. The rules of Court, and the procedures that follow are required to be followed. Should following those rules and procedures cause further delays, in my view those are systemic delays which cannot be avoided and which are necessary to confirm, at least, this country's Constitutional democracy and the rule of law.

[34] In my view the applicants have on all facts before me, establish that there are prospects of success in their rescission application. I am not prejudging that application, but I come to this conclusion at this stage based on the papers before me at present, being only the applicant's founding affidavit and other relevant facts as set out above, without any alternative version in answer to the rescission application.

[35] Whilst it is so that the applicants ought to have launched an application to suspend their eviction prior to 1 May 2026, Rule 45A of the Uniform Rules of Court provides that a court may "*suspend the execution of any order for such period as it may deem fit*". The Supreme Court of Appeal has confirmed, in **Newnet Properties (Pty) Ltd and Another v Road Accident Fund, 2020 5 JDR, 1173 (SCA)** that: "it is established law that apart from the provisions of rule 45A, a court has inherent jurisdiction, in appropriate circumstances, to suspend the operation or execution of an order. That discretion must be exercised judicially." The same judgement goes on to record in its paragraph [26]: "This Court held in *Van Rensburg NO and Another v Naidoo NO, Naidoo NO Van Rensburg NO 2011 (4) SA 149 (SCA)*, that '[a] court will grant a stay of execution in terms of Uniform Rule 45A where the underlying causa of a judgement is being disputed, or no longer exists, or when an attempt is made to use the levying of

execution for ulterior purposes. As a general rule, courts will suspend the execution of an order where real and substantial justice compel such action."

[36] On the preliminary facts of this matter as set out in the papers currently before me in this urgent application I find that the applicant had established all the requirements for urgent relief set out above. Paragraph 5 of the notice of motion provides for any "*further and/or alternative relief as this Honourable Court deems meet*". In my view the interests of justice demanded all of the Orders I made on the afternoon of 8 May 2026 despite not being sought in those terms in the notice of motion. Failing such an Order in my judgment real and substantial injustice would have prevailed.

[37] Advocate Patel argued, relying on a judgement of Acting Judge AP Joubert dated 9 May 2025, in a matter of **Dial Africa Distributors (Pty) Ltd and Others v Cachalia NO and Others**, a judgement of the Gauteng Local Division, Johannesburg, under case number 2025-054245 (a copy of which he handed to me) that an interdict "*...evicting the applicants from Casco centre...*" as set out in prayer 2.1.1 of the notice of motion could not be granted because the eviction had already taken place. I have recognised and provided for that in the manner in which paragraph 2(c) of my Order is framed.

[38] The balance of the Orders I granted are intended to protect the applicants and to restore to them roofed and adequate accommodation (despite the first respondent's hardly *bona fide* actions in attempting to avoid any chance of a return by the applicants by destroying the units on the very same day same day as the evictions) pending the outcome of the rescission application. Being thus alive to the first respondent's submissions that it had already destroyed the individual units, and had moved building materials onto the site, it seemed to me that at the very least the applicants were entitled, immediately, to the Orders set out in paragraphs 2(c), (d), (e), (f), (g), and (h). The Orders granted in paragraphs 2(a), and 2(b) are Orders I granted in an attempt to ensure the efficient finalisation of the rescission application, as are the Orders in paragraphs 5 and 6. I granted these procedural Orders as a suitable method of

ameliorating, in as much as I could, such potential prejudice as the first respondent may be exposed to in consequence of any procedural delays as may inevitably occur.

[39] In view of my concerns regarding the professional conduct of the applicants advocate and attorney I take the view that it was necessary to make the Order in paragraph 7. I made the Order in paragraph 4 pursuant to a request by Advocate Patel in order to ensure that the first respondent could properly monitor the relevant occupants on their return to the premises in the interim.

JUDGE PITMAN

15/5/2026

APPEARANCE

Counsel for the Applicant: Advocate N B Dlamini
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**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION: DURBAN**

CASE NO.: D3675/2025

**BEFORE THE HONOURABLE JUSTICE PITMAN
AT DURBAN ON 08th MAY 2026**

IN THE MATTER BETWEEN

THE TENANTS WHO CURRENTLY OCCUPY
CASCO CENTRE, 8[...]/8[...] U[...] ROAD, DURBAN

APPLICANT

and

CHESTNUT HILL INVESTMENTS 299 (PTY) LTD
CENTRE, 8[...]/8[...] U[...] ROAD, DURBAN

1st RESPONDENT

ETHEKWINI MUNICIPALITY

2nd RESPONDENT

SHERIFF OF THE DURBAN COASTAL DISTRICT

3rd Respondent

UPON the Motion of Counsel for the Applicant and upon reading the *NOTICE OF MOTION* and the other documents filed of record

IT IS ORDERED

It is recorded that for purposes of this order "the applicants" are the persons set out in the list attached hereto as "A" which is signed by me and dated 8 May 2026.

1. This application, issued on 6 May 2026, is dealt with as one of urgency.
2. A Rule Nisi is issued calling upon the Respondents, and any other interested parties including the applicants' PIE application attorneys identified in paragraph 2(b) below, to show cause, if any, on a date to be arranged by the Registrar (to coincide with the date upon which the applicants rescission application under this same case number is heard as an opposed matter), why the orders as set out hereunder should not be made and/or confirmed:
 - a. The second respondent is ordered and directed to immediately supply the "report" that they were ordered and directed to deliver in terms of paragraph 4 of the order of Mossop J on 6 August 2025 in the PIE application in the case number 3675/2025.
 - b. The applicants are ordered and directed to immediately join in their rescission application as fourth respondent, their PIE eviction application attorneys, being Phumzile Msimango Attorneys, 103 Jan Hofmeyer Road, Westville, as an interested party only.
 - i. In this regard the applicants are ordered and directed to immediately amend their application papers accordingly and to, no later than 15 May 2026, serve upon those attorneys copies of the duly amended rescission application papers and a copy of this Order.
 - c. The first and third respondents are interdicted and restrained from pursuing any further eviction proceedings against the applicants in respect of the premises Casco Centre, 8[...]/8[...] Durban U[...] Road, Durban, pending the finalisation of the applicants' rescission application presently set down on an unopposed basis, for 17 July 2026.
 - d. The first respondent is interdicted and restrained from demolishing and/or destroying any further infrastructure within the premises at Casco Centre previously

occupied by the applicants, and from moving any further building materials, or any other materials, into or onto the said premises

e. In so far as may be necessary, the eviction order granted in favour of the first respondent on 14 October 2025, and its consequences, are stayed pending the finalisation of the rescission application referred to above.

f. The first and second respondents are ordered and directed to permit and grant the applicants access to the unit/s occupied by them at the said Casco Centre at the time of their forced eviction by the third respondent on 6 May 2026.

g. In the event that any conduct by the first respondent during its eviction process on 6 May 2026 has resulted in any demolished materials being present in the area of Casco Centre occupied by the applicants prior to its demolishing, and/or any new building materials have been introduced into or onto that area on or after 6 May 2026, the first respondent is directed to immediately move all such materials out of the way in order to give effect to the restoration of the occupation by the applicants to enable their sufficient use and occupation of the premises as it existed before the eviction of 6 May 2026.

h. In so far as may be necessary the first respondent is ordered and directed to ensure that all water, sewerage and electrical capacities as existed in favour of the applicants prior to their eviction on 6 May 2026, are restored and maintained.

i. In the event that the applicants are successful in their rescission application, the first respondent is ordered and directed to restore into its original condition any and all of the portions and/or structures and/or materials comprising the units occupied by the applicants prior to their eviction on 6 May 2026.

3. It is ordered that paragraphs 2(a) - 2(h) above shall operate as immediate interim orders pending the finalisation of this application, and the said rescission application.

4. The applicants attorney is ordered and directed to supply to the first respondent within 24 hours of any applicant's return to the premises, copies of valid identification documents of each such applicant.

5. As regards this application and the rescission application the following procedural orders are made:

a. In respect of this application the first respondent and/or any other party who wish to oppose this application, are directed to deliver their answering affidavits, if any, by no later than 29 May 2026. The applicants are then to deliver any replying affidavits, if any, by no later than 12 June 2026.

b. In the event that the first respondent, or any other party, opposes the rescission application they are directed to deliver their answering affidavits, if any, by no later than 29 May 2026. In the event of answering affidavits being delivered the applicants are directed to deliver their replying affidavits, if any, by no later than 12 June 2026.

c. The applicants and the first respondent, and any other party who may have opposed either this application or the rescission application, are directed to each deliver their heads of argument in respect of both applications, by no later than 26 June 2026.

d. Pursuant to the above procedure, the applicants and/or the first respondent and/or any other party who has opposed, are given leave to immediately approach the Registrar of this Court for a date for the hearing of this application and the rescission application, on the same day.

e. The Registrar of this Court is requested to allocate a date for the hearing of the opposed application/s, as early as possible and, at least, on the first available opposed motion date.

6. In the event that the applicants do not comply with any of the obligations as set out in paragraphs 5(a), 5(b), and 5(c), the first respondent, or any other relevant party, is given leave to approach this Court on an Urgent basis for further directions in the matter/s.

7. It is directed that the proceedings in this urgent application are to be transcribed and forwarded to the LPC for the investigation into the ethical and/or professional conduct vis-a-vis his and her representation of the applicants herein, of the applicants' counsel Advocate Nicholous Bonokwahe Dlamini, and their candidate attorney Ms Gloria Busiswe Maphumulo-Zulu.

8. The South African Police Services (Durban Central) is hereby directed to assist with the execution of this Court Order insofar as it may be necessary in relation to, inter alia, ensuring the uninterrupted access of the Applicants and their families to the units they occupy.

9. Costs are reserved.

BY ORDER OF THE COURT

**NB SHEZI
REGISTRAR**