



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

Case No: 2025-008458

In the matter between:

**SOUTH AFRICAN LEGAL PRACTICE COUNCIL**

Applicant

and

**SINDISO KONDLO**

Respondent

**Reportable / Not reportable**

**Coram:** Henney, J et Anderssen AJ

**Heard:** 22 May 2026

**Delivered:** Electronically on 26 May 2026

**Summary:** Striking off – roll of legal practitioners – attorney

---

**ORDER**

---

1. Sindiso Kondlo's name shall be removed from the roll of legal practitioners of this Court.
2. The applicant is directed:
  - 2.1 to inform the respondent forthwith, via email and WhatsApp, that he must immediately surrender and deliver to the Registrar of this

Honourable Court his certificate/s of enrolment as a legal practitioner of this Honourable Court; and

2.2 to ensure that this Order shall be served on the respondent by the Sheriff within 5 (five) days of it being granted.

3. Should the respondent fail to comply with paragraph 2.1 of this order, the Sheriff shall, on the date of service, take possession of the certificate and hand it to the Registrar of this Court.

4. The respondent is prohibited from handling or operating on his trust account/s, as detailed below hereof.

5. The Director / Acting Director / Nominee of the applicant of the Provincial Legal Council is appointed as the *Curator Bonis* to administer and control:

5.1 the trust accounts of the respondent, and

5.2 any accounts relating to insolvent and deceased estates and any estate under curatorship connected with the respondent's practice as attorney, and

5.3 the separate banking accounts opened and kept by the respondent at a bank in the Republic of South Africa in terms of section 78(1), section 78(2) and/or section 78(2A) of the Attorneys Act of 1979 ("*the Attorneys Act*") of the Republic of South Africa, *alternatively* in terms of sections 86(2); (3); and (4) of the Legal Practice Act, 28 of 2014 ("*the LPA*") (collectively "*the relevant statutory sections*"),

in which monies from such trust banking accounts have been invested by

virtue of the provisions of the said sub-sections or in which monies in any manner have been deposited or credited (the said accounts being hereafter referred to as "*the trust accounts*"), with the following powers and duties:

- 5.4 immediately to take possession of the respondent's accounting records, records, files and documents in relation to his practice as legal practitioner and to sign all forms and generally to operate upon the trust account(s), but only to such extent and for such purpose as may be necessary to bring to completion current transactions in which the respondent was acting at the date of this order;
- 5.5 where monies have been paid incorrectly and unlawfully from the undermentioned trust accounts, to recover and receive and, if necessary in the interests of persons having lawful claims upon the trust account(s) and/or against the respondent in respect of monies held, received and/or invested by the respondent in terms of the relevant statutory sections, to take any legal proceedings which may be necessary for the recovery of money which may be due to such persons in respect of incomplete transactions, if any, in which the respondent was and may still have been concerned and to receive such monies and to pay the same to the credit of the trust account(s);
- 5.6 to ascertain from the respondent's accounting records the names of all persons on whose account the respondent appears to hold or to have received trust monies (hereinafter referred to as "*trust*

*creditors*”) and to call upon the respondent to furnish him/her, within 30 (thirty) days of the date of service of this order or such further period as he/she may agree to in writing, with the names and addresses of and the amounts due to all trust creditors;

5.7 to call upon such trust creditors to furnish such proof, information and/or affidavits as he/she may require enabling him/her to determine whether any such trust creditor has a claim in respect of monies in the trust account(s) of the respondent and, if so, the amount of such claim;

5.8 except where a trust deficit is determined, to admit or reject, in whole or in part, subject to the approval of the Legal Practitioners Fidelity Fund Board ("*LPFF Board*"), the claims of any such trust creditor, without prejudice to such trust creditor's right of access to the civil courts;

5.9 having determined the amounts which, he/she considers are lawfully due to trust creditors, to pay such claims in full, but subject to the approval of the LPFF Board;

5.10 in the event of there being a surplus in the trust account(s) after payment of the admitted claims of all trust creditors in full,

5.10.1 to utilize such surplus to settle or reduce, as the case may be, firstly, any claim of the Fund in terms of section 78(3) of the Attorneys Act and/or sections 86(2) and (3) of the LPA, in respect of any interest therein referred to; and/or

5.10.2 without prejudice to the rights of the creditors of the respondent, the costs, fees and expenses referred to in paragraph 11 of this Order, or such portion thereof as has not already been separately paid by the respondent to the applicant, and, if there is any balance left after payment in full of all such claims, costs, fees and expenses, to pay such balance, subject to the approval of the Board of Control of the LPFF, to the respondent if it is solvent or if the respondent is insolvent, to the liquidator(s) of the respondent;

5.11 in the event of there being a trust deficit in the trust banking account(s) of the respondent, in accordance with the available documentation and information, to pay the available balance in the trust banking account(s) of the respondent, to the LPFF;

5.12 to appoint nominees or representatives and/or consult with and/or engage the services of attorneys, counsel, accountants and/or any other persons, where considered necessary, to assist him/her in carrying out his/her duties as Curator; and

5.13 to render from time to time, as Curator, returns to the applicant showing how the trust account(s) of the respondent has/have been dealt with.

6. The respondent shall immediately after service of the order by the Sheriff deliver the said accounting records, other records, files, and documents containing particulars and information relating to:

- 6.1 any monies received, held or paid by the respondent for or on account of any person while practising as an attorney;
- 6.2 any monies invested by the respondent in terms of the relevant statutory sections;
- 6.3 any interest on monies so invested which was paid over or credited to the respondent;
- 6.4 any estate of a deceased person or an insolvent estate or an estate under Curatorship administered by the respondent, whether as executor or trustee or Curator or on behalf of the executor, trustee or Curator;
- 6.5 any insolvent estate administered by the respondent as trustee or on behalf of the trustees in terms of the Insolvency Act, No 24 of 1936;
- 6.6 any trust administered by the respondent as trustee or on behalf of the trustees in terms of the Trust Property Control Act, No 57 of 1988;
- 6.7 any company liquidated in terms of the Companies Act, No 71 of 2008, administered by the respondent as or on behalf of the liquidator;
- 6.8 any close corporation liquidated in terms of the Close Corporations Act, No 69 of 1984, administered by the respondent as or on behalf of the liquidator; and
- 6.9 the respondent's practice as attorney of this Honourable Court, to

the Curator appointed in terms of this order, provided that, as far as such accounting records, records, files and documents are concerned, the respondent shall be entitled to have reasonable access to them but always subject to the supervision of such Curator or his/her nominee.

7. Should the respondent fail to comply with the provisions of the preceding paragraph of this order, the Sheriff for the district in which such accounting records, records, files and documents are, be empowered and directed to search for and to take possession thereof wherever they may be and to deliver them to such Curator.
8. The respondent be and is hereby removed from office as –
  - 8.1 executor of any estate of which the respondent has been appointed in terms of Section 54(1)(a)(v) of the Administration of Estates Act, No 66 of 1965 or the estate of any other person referred to in Section 72(1) thereof;
  - 8.2 curator or guardian of any minor or other person's property in terms of Section 72(1) read with Section 54(1)(a)(v) and Section 85 of the Administration of Estates Act, No 66 of 1965;
  - 8.3 trustee of any insolvent estate in terms of Section 59 of the Insolvency Act, No 24 of 1936;
  - 8.4 liquidator of any company in terms of Section 379(2) read with 379(e) of the Companies Act, No 71 of 2008;
  - 8.5 trustee of any trust in terms of Section 20(1) of the Trust Property

Control Act, No 57 of 1988;

8.6 liquidator of any close corporation appointed in terms of Section 74 of the Close Corporations Act, No 69 of 1984;

8.7 administrator appointed in terms of Section 74 of the Magistrates' Court Act, No 32 of 1944.

9. The Curator shall be entitled to:

9.1 hand over to the persons entitled thereto all such records, files and documents provided that a satisfactory written undertaking has been received from such persons to pay any amount, either determined on taxation or by agreement, in respect of fees and disbursements due to the firm;

9.2 require Claimants to provide any documentation or information which the Curator may consider relevant in respect of a claim or possible or anticipated claim, against the Curator and/or the respondent and/or the respondent's clients and/or fund in respect of money and/or other property entrusted to the respondent, provided that any person entitled thereto shall be granted reasonable access thereto and shall be permitted to make copies thereof;

9.3 publish this order or an abridged version thereof in any newspaper he/she considers appropriate;

9.4 close the respondent's practice/s insofar it relates to the client files, records and trust accounts.

10. The respondent shall within 6 (six) months after having been requested to do so by the Curator, or within such longer period as the Curator may agree to in writing, satisfy the Curator, by means of the submission of taxed bills of costs or otherwise, of the amount of the fees and disbursements due to him (the respondent) in respect of his former practice, and should he fail to do so, he shall not be entitled to recover such fees and disbursements from the Curator without prejudice, however, to such rights (if any) as he may have against the trust creditor(s) concerned for payment or recovery thereof;
11. A bill of costs drawn on the High Court scale of attorney and client costs taxed by the Registrar of this Court (who is authorised to do so) *mutatis mutandis* as if the Curator and the responsible officials of the Applicant in discharging their duties as contemplated in this order had acted as attorneys, shall constitute proof of their reasonable fees and disbursements (“the Curatorship fees and disbursements”) and that the Registrar be authorised to issue a writ of execution for payment thereof by the respondent;
12. That the Curatorship will terminate when the Curator receives a final written discharge from such duties from the applicant consequent upon the Curator filing with the applicant a final report and account, together with supporting vouchers, in respect of the execution of the Curator’s duties in terms of this Order.
13. In the event of the respondent failing to comply with any of the provisions referred to in this Order, the applicant shall be entitled to apply through due and proper civil process commensurate with the principles of the

Constitution for the appropriate relief against the respondent including but not limited to an Order for the committal of the respondent to prison for the respondent's contempt of the provisions of the abovementioned paragraphs.

14. The Respondent be, and is hereby directed, to:

14.1 pay, in terms of Section 87(2) / 37(2)(a) of the LPA, the reasonable costs of the inspection/investigation of the accounting records of the respondent;

14.2 pay the fees and expenses of the curator, such fees to be assessed at the rate of R1 760.00 per hour, including travelling time;

14.3 pay the reasonable fees and expenses charged by any person(s) consulted and/or engaged by the curator as aforesaid;

14.4 pay the expenses relating to the publication of this order or an abbreviated version thereof; and

14.5 pay the costs of this application on an attorney-and-client scale;

15. Any person other than the respondent whose rights are affected by the terms of this order shall be entitled, on notice to the applicant and the respondent, to make application to this Honourable Court for a variation of the terms of this order on good cause shown.

16. The respondent shall pay the costs of this application on a scale as between attorney and client.

---

## JUDGMENT

---

Anderssen AJ (Henney J concurring):

### Introduction

- [1] The applicant (“*the LPC*”) seeks the removal of the respondent’s name from the roll of legal practitioners and ancillary relief. It does so in terms of sections 44(1) and 119(3) of the Legal Practice Act<sup>1</sup> (“*the LPA*”), which transferred to the LPC the powers previously afforded to the law societies. An attorney may be struck from the roll or suspended from practice if the attorney, in the court’s discretion, is found not to be a fit and proper person to practise as an attorney or to remain on the roll of attorneys.<sup>2</sup>
- [2] The respondent (“*Mr K*”) received notice of the application on 18 February 2025. Although he filed a notice of his intention to oppose, he failed to file an answering affidavit even after being directed to do so by the court through a chamber book order. He also did not appear at the hearing despite being notified of the date of set down. Mr K is the proprietor of S Kondlo Attorneys Inc and keeps an office in Cape Town. He was enrolled as an attorney in June 2010 in the Eastern Cape High Court before enrolling as an attorney in this division in June 2015. The LPC, after

---

<sup>1</sup> 28 of 2014.

<sup>2</sup> See s 40(3)(a)(iv) of the LPA.

investigation, has concluded that Mr K has misappropriated funds held in trust on behalf of his clients and has mal-administered trust funds under his control. It is based on this evidence of unprofessional and/or unworthy and/or dishonourable conduct that the LPC launched the application.

### **The facts on which the LPC relies**

- [3] The LPC investigated complaints from four of Mr K's clients, and it is their findings pursuant to several disciplinary enquiries that have led to this application. The facts in respect of each complaint are summarised briefly below.

#### **Complaint 1**

- [4] The first complaint arose from the sale of an immovable property. Mr K was instructed to handle the transfer of the property, which was sold for R220 000. The purchaser had paid the complainant R30 000 directly and a further R190 000 was paid to Mr K's trust account during November 2019. The complaint was made because Mr K paid the seller only R35 000 of the R190 000, as a result of which she was left homeless. She had planned on using the money to construct a new home for herself.
- [5] Mr K avoided answering the complaint for some seven months, and, when he finally answered the complaint, his submissions were inconsistent with the objective facts – by way of example he averred that the R190 000 was paid directly to the complainant when the bank statements for his trust account confirmed that he had received the R190 000. He was called upon to answer allegations of misconduct, being in contravention of clause 21 of the LPC's Code of Conduct and misappropriating R155 000 of the

proceeds. He failed to attend the disciplinary enquiry.

### Complaint 2

- [6] Mr K was instructed to attend to the transfer of an immovable property into the second complainant's name and, after her divorce was finalised, to pay to her former husband his half share of the property proceeds. The complainant paid Mr K R180 000 but he only paid R15 000 to her former husband in 2018. In 2020 he advanced him a further R5 000 to bury his mother. He also never gave the complainant her title deed.
- [7] The LPC called upon Mr K to answer the complaint in March 2021. His reply, several months later, did not address the complaint. Months of correspondence followed before he was charged in July 2022. Mr K also failed to attend this disciplinary enquiry. At the hearing *in absentia* the complainant testified that about R80 000 of the R180 000 included an amount, which, according to Mr K, was allegedly intended for SARS. This the LPC noted as a concern as pension fund benefits are taxed at source.

### Complaint 3

- [8] The third complaint followed the second very quickly. This also concerned the transfer of an immovable property. The complainant paid Mr K some R312 550 during February 2020 in respect of the purchase of a property, which included transfer costs of R12 550. Before registration took place Mr K paid the seller R100 000 and also paid the selling agent his commission. He did so against the complainant's objections. When the property transaction was lodged at the deeds office it was rejected as the seller's former wife had already sold the property. They had been married in

community of property and the divorce order compelled them to sell the property and share the proceeds.

- [9] Despite the complainant's efforts Mr K cancelled meetings and failed to resolve the issue. Mr K, on receipt of the complaint from the LPC, did not answer same and was charged a year later. Charges included a failure to respond to LPC correspondence, practising without a Fidelity Fund certificate, failing to account accurately and timeously for funds paid by the complainant and paying her monies to the seller without her consent. In their investigation the LPC established that the first payment of R300 000 was paid to an account, which was not even Mr K's trust account (he had provided the 'trust account' details). Mr K again did not attend the disciplinary enquiry.

#### Complaint 4

- [10] The fourth complainant paid Mr K an amount of R150 000 during July 2020 in respect of a property where Mr K was tasked with the transfer. He was to have paid the amount to the seller against transfer but he never did so. An amount of R70 000 remained due even after she received the title deed in February 2021. The LPC forwarded the complaint to Mr K. A year later they issued a charge sheet against him. The charges included misconduct in terms of Item 21 of the LPC's Code of Conduct, and breaching Item 3.15 of the same code by bringing the profession into disrepute. Mr K once again did not attend the disciplinary enquiry.

#### Shortfall in trust account

- [11] The LPC has identified a substantial shortfall in the trust account of S

Kondlo Attorneys Inc. A review of bank account statements revealed repeated transfers from the trust account to his personal and business accounts, many of which appear irregular or inadequately explained. The amounts so transferred are usually 'round' numbers, which is of concern. Rule 54.14.14 of the LPC Rules permits withdrawals from a trust account only where funds are due to a trust creditor or legitimately transferable to the firm's business account in respect of fees and disbursements already debited. Rule 54.11 requires strict separation between trust money and other funds. The transfers demonstrate a failure to comply with these mandatory requirements. Mr K obtained Fidelity Fund Certificates in prior years on the basis of information that was inaccurate and misleading.

### **The court's approach in matters of this nature**

- [12] The Supreme Court of Appeal formulated the approach that a court should follow in matters of this nature in **Jasat v Natal Law Society**.<sup>3</sup>

*Ultimately, therefore, what is contemplated is a three-staged inquiry. First, the court must decide whether the alleged offending conduct has been established on a preponderance of probabilities. ... The second inquiry is whether, as stated in s 22(1)(d), the person concerned "in the discretion of the Court" is not a fit and proper person to continue to practise. ... It would seem clear, however, that in the context of the section, the exercise of the discretion referred to involves in reality a weighing up of the conduct complained of against the conduct expected of an attorney and, to this extent, a value judgment. ... The third inquiry is whether in all the circumstances the person in question is to be removed from the roll of attorneys or whether an order suspending him from practice for a specified period will suffice. This is similarly a matter for the discretion of the court of first instance and the power of a court of appeal to interfere is likewise limited. Whether a court will adopt the one course or the other will depend upon such factors as the nature of the conduct complained of, the extent to which it reflects upon the person's character or shows him to be unworthy to remain in the ranks of an honourable profession, ... the likelihood or otherwise of a repetition of such conduct and the need to protect the public. Ultimately it is a question of degree.*

- [13] Proceedings in which the striking-off of an attorney is sought are *sui*

---

<sup>3</sup> (78/98) [2000] ZASCA 14 (28 March 2000); 2000 (3) SA 44 (SCA); [2000] 2 All SA 310 (A) at para [10].

*generis*. They are of a disciplinary nature. A respondent attorney cannot simply meet the allegations against him/her with mere denials. Such an attorney is expected to respond meaningfully to each allegation made and to furnish a proper explanation of the financial discrepancies as a failure to do so may count against that respondent.<sup>4</sup> It follows from the nature of disciplinary proceedings that a respondent is expected to cooperate and provide the necessary clarification in order to place the full facts before the court so that a correct and fair assessment of the case can take place.<sup>5</sup>

[14] It is trite that the LPC, when applying for the striking off of a legal practitioner's name from the roll does so *custos morum* in performance of a public duty. They have been tasked with protecting the interests of the public in dealing with attorneys. The profession of an attorney requires absolute honesty, integrity and reliability from practitioners. They owe the highest standard of trust to the court, the public at large and the society of which they are members. The objective of an application of this nature is to maintain the integrity, dignity and respect that the public holds for officers of the court.

### **Discussion**

[15] We are satisfied that the LPC has established the offending conduct on a balance of probabilities. Mr K's actions were investigated at four different disciplinary enquiries where, after hearing oral evidence from the complainants and other witnesses, adverse findings were made against him based not only on the oral evidence but also on documents provided.

---

<sup>4</sup> *Hepple v Law Society of the Northern Provinces* (507/201) [2014] ZASCA 75 (29 May 2014) at para [9].

<sup>5</sup> See *Botha v Law Society* (50/08) [2009] ZASCA 13 (19 March 2009) at para [18].

The objective evidence demonstrates clearly that Mr K has misappropriated trust funds entrusted to him by clients, recklessly dealt with such funds and failed to comply with his fiduciary duties. His dishonesty caused his clients to suffer financial loss. An aggravating factor is the pattern of behaviour – he has been dishonest in at least four different property transactions. We consider the fact that he received funds in respect of transfers of immovable properties to be another aggravating factor in circumstances where Mr K was never admitted as a conveyancer. We are led to the inescapable conclusion that he misrepresented his qualifications to members of the public. His conduct demonstrates a repetitive improper pattern of behaviour.

[16] Mr K contravened the rules of ethical conduct by breaching the provisions of the LPA, the LPA Rules and the Code of Conduct. He repeatedly failed to answer correspondence directed at him by the LPC and failed to appear at the disciplinary enquiries when it was his duty to answer to the allegations made. He was, and remains, under an obligation to answer to these questionable transactions in a meaningful manner by furnishing a proper explanation of the financial irregularities.<sup>6</sup> His misconduct has brought the attorney's profession into disrepute. Mr K was afforded ample opportunity to explain his actions and account for the funds but he failed to do so. In most instances he did not comply with the reasonable requests by the LPC. He not only did not avail himself of the opportunity of explaining his actions in writing but also failed to appear at any of the disciplinary enquiries. The first leg of the enquiry has thus been satisfied.

---

<sup>6</sup> *Hepple supra* at para [9].

[17] We must therefore, as part of the second leg of the enquiry determine whether Mr K is a fit and proper person to continue to practice as an attorney. We do not believe that he is. The law requires of each attorney the highest degree of good conduct and, in matters concerning money belonging to the client or a third party, to act with accuracy and diligence at the highest standard. An attorney must keep that money safe in a separate trust account and account for it properly and timeously. Mr K failed to comply with various LPC Rules on Trust Accounts. By way of example, he did not report to the Council in writing when an account of a trust creditor went into debit. He failed to comply with the statutory rules even though a failure to comply with any of the provisions of the accounting rules constitutes misconduct.

[18] When we weigh Mr K's conduct against the conduct expected of an attorney who is held to the highest standards of ethics, we must conclude that his conduct falls far short of that which is expected. The legal profession is an honourable profession demanding high ethical standards including complete honesty, reliability and integrity from its members.<sup>7</sup>

[19] That brings us to the third and final leg of the enquiry: we must determine whether in all the circumstances Mr K is to be removed from the roll of attorneys or whether an order suspending him from practice for a specified period will suffice.

[20] The public has a right to be protected from an attorney who has misappropriated clients' funds. The pattern of behaviour described above demonstrates that Mr K is an individual who has repeatedly mismanaged

---

<sup>7</sup> See *Vassen v Law Society of the Cape of Good Hope* 1998 (4) SA 532 (SCA) at 538G.

trust funds, taken funds and failed to account for the funds to clients. We would not be surprised to learn that Mr K has mismanaged the funds of more people than the four complainants. There is a clear risk that if he continues to practice as an attorney further trust funds will go missing. He is a risk to the public.

[21] He has failed to explain himself and it is apparent from the timeline in the papers that his conduct endured over a period of nearly a year – he continued to mismanage and misappropriate funds even whilst his conduct was being investigated in September 2020. The timeline demonstrates that after September 2020, despite knowing that his conduct was under scrutiny, Mr K continued to withhold R70 000 of the fourth complainant's funds even after handing her the title deed in February 2021. We consider this a further aggravating factor indicative thereof that merely granting an order suspending Mr K from practice for a specified period will not suffice.

[22] Dishonesty strikes at the heart of an attorney's fitness to practice. Blatantly continuing with dishonest conduct, which included misrepresentations to various clients and misappropriating their funds, whilst under investigation, displays an arrogant disregard for the law and his ethical obligations. We do not believe that a suspension from practice for a specified period will suffice. We say so with due regard to the nature of the conduct complained of.

[23] Mr K's conduct does not reflect well of his character and shows him to be unworthy to remain in the ranks of an honourable profession. The degree of his dishonesty, the fact that he took money from vulnerable people with low incomes who are not well-versed in property transactions, and that he

repeated his conduct, all lead us to the inescapable conclusion that we need to protect the public from him. He has shown no remorse and has either sought to hide his conduct with untruths (as demonstrated by his answer to the first complaint) or has failed to answer the allegations made or to 'face the music' at disciplinary hearings.

[24] An order striking him from the roll of practicing practitioners is warranted. As is an order that he should bear the costs on an attorney client scale. We have incorporated in our order provision for the appointment of a curator.

[25] The order is recorded above.

---

**ANDERSSEN J S**  
**Acting Judge of the High Court**

I agree and it is so ordered.

---

**HENNEY R C A**  
**Judge of the High Court**

**Appearances:**

For the applicant: Mr Sirkar  
Instructed by: Herold Gie Attorneys  
No appearance for the respondent.