


IN THE HIGH COURT OF SOUTH AFRICAGAUTENG DIVISION, JOHANNESBURGCASE NO: 7877/2020DATE: 09.06.2026

DELETE WHICHEVER IS NOT APPLICABLE
 (1) REPORTABLE: NO
 (2) OF INTEREST TO OTHER JUDGES : NO
 (3) REVISED


 SIGNATURE

DATE: 9 June 2026

10 In the matter between

EKURHULENI MUNICIPALITY

Applicant

and

THABANG EPHRAIM TAKATSO

Respondent

JUDGMENT EX TEMPORE

WILSON J: This is an application to stay a judgment of
 20 Noko J, granted on the 4 May 2026 in a damages claim
 brought against the applicant in this case, Ekurhuleni
 Municipality. The application for stay is part A of a two-part
 application, part B of which is an application to rescind
 Noko J's order.

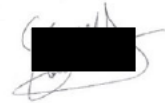
The application for a stay is advanced solely on the
 basis that the implementation of Noko J's order would cause
 the applicant prejudice. Completely missing from the
 founding papers is any *prima facie* case that there was
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anything wrong, procedurally or otherwise, with Noko J's order. It was as good as conceded by counsel for Ekurhuleni that the judgment was a judgment to which the plaintiff in the main action was procedurally entitled. It was also conceded that no case on the common law for the rescission of Noko J's judgment was sketched out in the founding papers. In the absence of such a case, there is no basis to stay the execution of Noko J's judgment.

10 What Ekurhuleni was required to do, as I believe is trite in cases of this nature, was show *prima facie* why they had a right to rescind Noko J's order. They elected not to do that, and instead based their entire case on the proposition that they would be prejudiced by the execution of the judgment. That may be true, but prejudice experienced as a result of the execution of a valid judgment is not prejudice to which the law has regard. It is simply what follows once the law takes its course.

20 Given that there may be a case for rescission available to Ekurhuleni, I am not inclined to dismiss the application outright. I limit myself to the proposition that, since no effort whatsoever has been made to set out a *prima facie* right to the rescission of Noko J's judgment, any prejudice that might be experienced by Ekurhuleni as a result of its execution does not give rise to urgency in the legal sense.

For all those reasons, the application is struck from the roll for want of urgency, and Ekurhuleni Municipality is to pay the respondent's costs.



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WILSON J
JUDGE OF THE HIGH COURT
9 June 2026

