



- (1) REPORTABLE: **NO**
(2) OF INTEREST TO OTHER JUDGES: **NO**
(3) REVISED: **YES**

17 June 2026

**IN THE LABOUR COURT OF SOUTH AFRICA,
HELD AT JOHANNESBURG**

Case no: 2026-137998

Date of hearing: **17 June 2026**

In the matter between:

ZUKISWA NTYINKALA

Applicant

and

ROSEBANK INTERNATIONAL (PTY) LTD

First Respondent

LERATO KUNGOANE

Second Respondent

JUDGMENT: REASONS

SNYMAN, AJ

[1] The In this matter, the applicant brought an urgent application to interdict pending disciplinary proceedings. Following the filing of that application and the filing of an answering affidavit by the first respondent, and on 14 June 2026, the applicant filed a notice of withdrawal of the application, in its entirety.

- [2] In this notice of withdrawal of the application, it was indicated that there is no order to costs. It is of course true that an applicant cannot withdraw an application without tendering costs and certainly cannot unilaterally say there is no order as to costs. Where a matter is withdrawn, which is entirely the prerogative of the applicant and costs are not tendered, it avails the first respondent to deal with the issue of costs and ask that costs be awarded for the abortive application by filing notice to that effect. This the first respondent has done.
- [3] The fact of the matter is that the aforesaid leaves the issue for costs as the only basis for the application today, and the only issue to be decided by this court. Costs are not determined on the urgent role. The issue of costs, as is apparent from how the parties addressed me in this case, requires an extensive consideration of all of the background facts leading to this matter, how the parties conducted themselves, the content of the pleadings, and of course what happened upon this application being withdrawn with particular reference to the correspondence between the parties. It is not an issue that deserves the attention of this court on an urgent basis. An urgent court is there to deal with the substantial merits of a matter, and that is that. The urgent court only deals with the issue of costs once it has also determined the case on the merits, as the one then flows from the other and all of the issues are fully ventilated in the application.
- [4] I find it inappropriate that the urgent court be tasked to finally decide the issue of costs in this particular case. What makes it worse is that urgently deciding the issue of costs, considering this is an urgent court, must still satisfy the requirements of urgency. Mr. Cook has submitted that the first respondent did not bring the application in the first place, but the applicant did, so costs should be now decided. Who brought the application does not matter. The whole case, per se, including prayers for costs, comes before this court as an urgent application. As such, it must satisfy the requirements of urgency, no matter who brought the application and who raised what issues. In an urgent application, one of the essential requirements to entertain the matter as one of urgency, is the inability to obtain substantial redress in the ordinary course. There is absolutely no basis upon which either party cannot obtain full

substantial redress in the orderly course when it comes to the issue of costs. When the merits fell away, the urgency fell away, and this would include deciding the issue of costs.

[5] In conclusion, the issue of costs alone does not belong on the urgent roll, and the application falls to be removed from the roll. The issue of costs with regard to the appearance of today can be dealt with along with the costs relating to the withdrawal of the application when this matter is set down on the opposed motion roll in the ordinary course to decide the issue of costs.

[6] In the premises, the following order is made

Order

1. The application is removed from the roll.
2. The issue of costs in the application which has been withdrawn is to be dealt with on the opposed motion in the ordinary cause

S. Snyman

Acting Judge of the Labour Court of South Africa