

SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and [SAFLII Policy](#)

**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 2025-068830

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES
3 June 2026 DATE SIGNATURE	

In the matter between:

H[...] R[...] BODY CORPORATE

Applicant

and

MASETE FRANK MAMADI

First Respondent

**THE CITY OF JOHANNESBURG METROPOLITAN
MUNICIPALITY**

Second Respondent

NEDBANK LIMITED

Third Respondent

JUDGMENT

CRUTCHFIELD J

[1] The applicant, H[...] R[...] Body Corporate, seeks an order declaring the immovable property situated at unit [...] H[...] R[...] Body Corporate, 4[...] D[...] Road, W[...], Roodepoort, 1724 (“the immovable property”), specially executable together with ancillary relief.

- [2] The registered owner of the immovable property is the first respondent, Mr Masete Frank Mamadi. The first respondent opposes the application and appeared in person before me at the hearing.
- [3] The second respondent, the City of Johannesburg Metropolitan Municipality, did not participate in the application. Nor did the third respondent, Nedbank Limited, the bond holder over the immovable property, participate in the application.
- [4] It is not in dispute that the immovable property is the primary residence of the first respondent and his family.
- [5] The applicant alleges that an amount of approximately R150 000.00 is outstanding and payable by the first respondent to the applicant in respect of unpaid levies in respect of the immovable property.
- [6] It is not in dispute that the first respondent, since approximately March 2025, holds gainful employment. The first respondent's wife is also in gainful employment. Notwithstanding the first respondent failed to pay any amounts in respect of both the arrear and the current levies, since gaining employment in March of 2025.
- [7] The applicant maintained contact with the first respondent in respect of reducing the arrear levies and paying the current levies since approximately November 2025, but to no avail. No payments have been forthcoming from the first respondent in respect of the levies, be they arrear or current levies.
- [8] The first respondent referred to the deductions made by the Ideal prepaid structure. The amounts deducted through the Ideal prepaid system are minimal and the outstanding levies continue to increase notwithstanding the deductions made through the Ideal prepaid system.
- [9] The first respondent implored me to assist him in reaching a payment arrangement with the applicant with the aim of reducing the arrears.
- [10] The parties attempted to agree on a payment arrangement during the course of the proceedings, but to no avail. The first respondent's financial ability to

reduce the arrears and maintain payment of the current levies is constrained within narrow limits. The first respondent, at the hearing, took me through his net monthly income of approximately R30 000.00 as against his payment obligations from that net monthly salary. In short, the first respondent conceded that he could afford to pay R5 500.00 per month with effect from June 2026 towards the arrears and pay R2 500 in respect of the current levies. In addition, the first respondent will have to pay the municipal imposts levied over the immovable property, including electricity.

- [11] The applicant faces its own challenges, particularly in respect of the first respondent's failure to pay towards the levies since he obtained employment. The second respondent, the City of Johannesburg Metropolitan Municipality, allegedly is threatening to terminate the electricity supply to the applicant and hence the applicant seeks the sale of the immovable property, alternatively that the first respondent liquidate the arrears of approximately R150 000.00 over one year, being payment of R13 000 approximately per month.
- [12] The first respondent cannot afford to pay R13 000.00 per month in respect of the arrear levies alone.
- [13] The applicant submits that its case for execution against the immovable property is proper before me and that the first respondent cannot afford to keep the immovable property.
- [14] Notwithstanding, the immovable property is the applicant and his family's primary residence. In the circumstances, I am inclined to craft an order as far as I am able, that serves to protect the rights of both the applicant and the first respondent as best as possible.
- [15] In the circumstances, I intend to order that the first respondent pay monthly with effect from June 2026, R5 500.00 per month in respect of the arrear levies, R2 500.00 per month in respect of the current levies and that the application be postponed *sine die* with the applicant being entitled to set the application down for finalisation upon the first respondent defaulting on payment of either or both of the monthly payment of the arrear or the current levies payable to the applicant.

[16] The costs of the hearing before me will be reserved for the court seized with finalisation of the application in the future, if that transpires.

[17] In the circumstances, I grant the following order:

1. The application is postponed *sine die*.
2. The first respondent is ordered to pay, with effect from 10 June 2026 and monthly thereafter on or before the first day of each succeeding month:
 - 2.1. R5 500.00 per month in respect of the arrear levies to the applicant; and
 - 2.2. R2 500.00 per month in respect of the current levies to the applicant.
3. The applicant is entitled to set the application down for finalisation upon default by the first respondent of payment of either or both of the arrear and/or current levies, upon the same papers duly supplemented.
4. The costs of the hearing on 1 June 2026 are reserved for determination by the court seized with finalisation of the application.

CRUTCHFIELD J
JUDGE OF THE HIGH COURT
JOHANNESBURG

For the Applicant:

Adv P J Badenhorst instructed by
Heerschop Pienaar Attorneys.

For the First Respondent:

Self-represented in person.

Date of the hearing: 1 June 2026.

Date of the judgment: 3 June 2026.