



**IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION, MIDDELBURG**

CASE NO: 2026/153080

In the matter between:

MJALI ALL STARS FC

APPLICANT

and

**SOUTH AFRICAN FOOTBALL ASSOCIATION
(SAFA) MPUMALANGA PROVINCE**

FIRST RESPONDENT

**SOUTH AFRICAN FOOTBALL ASSOCIATION
(SAFA) NATIONAL**

SECOND RESPONDENT

Delivered: This judgment was handed down electronically by circulation to the parties' legal representatives by email. The date and time for hand-down is deemed to be 29th July 2026 at 11h00.

JUDGMENT

Nsibande AJ

Introduction

[1] This is an application for *mandamus* brought on an urgent basis by the applicant. The applicant is seeking an order compelling the first respondent to hear the complaint raised by the applicant in accordance with the league's rules.

[2] The applicant is a football club, playing in the fourth-tier league known as the Hollywood Bets League in the Mpumalanga Province. The first respondent is the administrator and regulator of this league. There are three regions of this league in the Mpumalanga Province, namely Gert Sibande Region, Nkangala Region and Ehlanzeni Region.

Facts

[3] The applicant won the Gert Sibande regional competition and as a result thereof qualified for the end-of-season playoffs which determine the football club to be promoted to the next tier league. These playoffs are played by football teams that finished in the top two in their respective regions.

[4] On 8 June 2026, the first respondent issued a letter to all participating teams, SAFA Nkangala Region, SAFA Gert Sibande Region, Provincial Referees Committee and the Provincial Competition Committee.

[5] This letter was a notice to all the participants that the Mpumalanga Hollywood Bets Men's Regional League 2025-2026 season playoffs will take place on 13 June 2026 at Witbank High School, Emalahleni from 07h00 to 18h00.

[6] This notice indicated that the playoffs will be played as a knockout competition to determine the winner to be promoted to the ABC Motsepe League 2026-2027 season for Stream A.

[7] The teams that are listed in this letter are categorised into two, namely Team A, comprising Phaphama FC and Mjali All Stars FC (the applicant) and Team B, comprising Ravens FC and Emalahleni United FC.

[8] On 13 June 2026, the playoff as indicated in the notice proceeded as scheduled.

[9] While the match between the applicant and Emalahleni FC was proceeding and the applicant was trailing by 2-1, the Chairperson of the applicant submitted a grievance. The grievance is framed as follows:

“Re; Grievance by Mjali All Stars Football Club against purported playoffs to decide a team to be promoted to the Motsepe League, and it reads

This letter refers. We note that there are these current games proceeding at Witbank as Provincial games and we want to state it categorically that these games are not Provincial games as they proceed for two regions and in the absence of Ehlanzeni Region. The two regions playing here are Nkangala and Gert Sibande Regions competing for one spot whilst Ehlanzeni region will be competing for one spot only.

The said gathering contravenes Hollywood Rules and SAFA competition rules. The proceeding games lack status to decide a position as they are not provincial games.

We note whomever made this decision is unlawful as it disadvantages other teams and SAFA rules.

We therefore demand that lawful provincial games be set down to decide promotion.

We hope you will find the above in order.”

[10] The document was signed by the Chairperson of the applicant and also signed by the match commissioner.

[11] The first respondent replied to the grievance lodged, and the response is dated 22 June 2026. The response in essence raised the following: that on 11 June 2026 there was a meeting held between the first respondent and the four teams that were to participate in the playoffs of 13 June 2026; that the issue of promotion and relegation was raised by the applicant and a clarification was given; and that there was no dispute raised by the participating four teams.

[12] The letter goes on to state that the provincial Hollywood Bets Men's Regional League was organised in line with and in consultation with the clubs on 12 September 2025 in the pre-season meeting where the new format of two streams was presented and accepted by the clubs. It is common cause that the playoffs proceeded on 13 June 2026 in terms of that format.

Issues

[13] The issue before the court is the determination of whether the applicant has been able to prove to the court that the order sought can be granted. The order sought is to compel the first respondent to appoint a provincial disciplinary committee within 48 hours of service of the order and that this committee be ordered to entertain the complaint lodged by the applicant.

[14] The applicant has also raised a *point in limine* challenging the authority of John Ndothi Hlongwane to represent the first respondent. Hlongwane is a deponent to the first respondent's answering affidavit, and he is the Provincial Executive Officer of the first respondent.

[15] The first respondent raised the issue of urgency of the matter, contending that the matter is not urgent, as well as the non-joinder of interested parties.

Points in limine raised by the parties

The Applicants' Rule 7(1) Notice

[16] The applicant argued and submitted that it has issued a Rule 7(1) notice to the first respondent requesting authority to act issued by the first respondent in favour of Hlongwane. The applicant submitted that no such authority was provided; as such, the court should not accept the affidavit of Hlongwane and the application be treated as unopposed.

[17] The first respondent, in resisting this submission by the applicant, argued and submitted that the Rule 7(1) *point in limine* is misdirected. The first respondent submitted that a deponent to an affidavit need not be authorised to depose to an affidavit. That the relevant question under Rule 7(1) is whether the institution or defence of the proceedings by the litigant's representative is authorised. As a result, the first respondent submits that this *point in limine* be dismissed.

The First Respondent's Challenge on Urgency of the proceedings

[18] In supporting its submission that the matter is not urgent, the first respondent submitted that the applicant received the notice of playoffs of Stream A clubs on 8 June 2026, raised the issue on 11 June 2026, and participated in the playoffs on 13 June 2026. The applicant received the first respondent's response on 22 June 2026, demanded relief on 23 June 2026 and issued these proceedings on 30 June 2026. The first respondent contends that the applicant has failed to explain why relief was not sought before the playoffs or immediately after the playoffs.

[19] In response, the applicant submitted that the trigger for the urgency was 11 June 2026, whereat the applicant raised its concerns, and it was disregarded. That on the day of the playoffs, the applicant raised its formal complaint within the stipulated time period and again the first respondent refused to hear the complaint within the determined time

period. Lastly, the applicant submitted that the new season is starting on 9 August 2026; as such, the matter must be heard and be determined urgently.

The First Respondent's submission on material non-joinder

[20] The first respondent argued that Phaphama FC won the Stream A final and was promoted. Emalahleni FC was the other team that played the final. The applicants' grievance attacks the validity of the very playoffs through which the rights and status of these football clubs were determined, and the applicant is demanding a new and lawful playoff process. The argument goes on to state that these football clubs have more than a financial or academic interest in these proceedings; they ought to have been joined, and failure to join them renders these proceedings irregular; as a consequence, the proceedings must be struck from the roll.

[21] The applicant submits that the relief sought merely seeks for the first respondent to attend to its complaint and make a decision. As a result, there is no need to join the other football clubs. As a consequence, this *point in limine* must be dismissed.

Legal Principles

[22] The proceedings were lodged by the applicant in the urgent court for the matter to be dealt with on an urgent basis. It is trite that a litigant who alleges that a matter must be heard on an urgent basis must first establish the urgency of the matter.

[23] Rule 6(12) of the Uniform Rules of Court deals with urgent matters, and it requires the applicant to set out explicitly the circumstances said to render the matter urgent and why substantial redress cannot be obtained in due course. Before dealing with the issue of urgency, it is prudent to deal with the *point in limine* raised by the applicant, the Rule 7(1) notice.

[24] In dealing with the raised Rule 7(1) *point in limine*, it is important to look at the rule. Rule 7(1) states as follows:

“Subject to the provisions of subrules (2) and (3) a power of attorney to act need not be filed, but the authority of anyone acting on behalf of a party may, within 10 days after it has come to the notice of a party that such person is so acting, or with leave of the court on good cause shown at any time before judgement, be disputed, whereafter such person may no longer act unless he satisfied the court that he is authorised so to act, and to enable him to do so the court may postpone the hearing of the action or application.”

[25] Erasmus Superior Court Practice,¹ in discussing the purpose of Rule 7, states the following:

“The purpose of a power of attorney is to establish the mandate of the attorney concerned and ‘to prevent a person whose name is being used throughout the process from afterwards repudiating the process altogether and saying he had given no authority, and to prevent persons bringing an action in the name of a person who never authorised it’.”

[26] The Supreme Court of Appeal in the matter of *Ganes and Another v Telecom Namibia Ltd*,² held that:

“In my view, it is irrelevant whether Hanke had been authorised to depose to the founding affidavit. . . . *It is the institution of the proceedings and the prosecution thereof which must be authorised.*” (My emphasis.)

[27] This approach has been followed by our courts in *ANC Umvoti Council Caucus and Others v Umvoti Municipality*³ and *Mahikeng Local Municipality v Harrison*.⁴ In applying this principle to this matter, it is clear that the proceedings were instituted and prosecuted by a firm of attorneys purporting to act on behalf of the first respondent.

¹ Erasmus Superior Court Practice RS 30, 2026, D1 Rule 7-11.

² *Ganes and Another v Telecom Namibia Ltd* 2004 (3) SA 615 (SCA) at para 19.

³ *ANC Umvoti Council Caucus and Others v Umvoti Municipality* [2009] ZAKZPHC 47; 2010 (3) SA 31 (KZP).

⁴ *Mahikeng Local Municipality v Harrison* [2021] ZANWHC 87.

Hlongwane deposed to the first respondent's answering affidavit whereat he stated that he is duly authorised to depose to the affidavit and that the facts herein fall within his personal knowledge.

[28] This Court is satisfied that Hlongwane did not institute and prosecute the proceedings but deposed to an affidavit. The authority envisaged in Rule 7(1) cannot be said to be applicable to Hlongwane. As a result, the *point in limine* is dismissed, and the affidavit of Hlongwane is admitted to the record of the proceedings.

[29] I will now deal with the *point in limine* of non-joinder of the Phaphama FC and Emalahleni FC. Phaphama FC has been promoted from the Hollywood Bets League in Mpumalanga Province as a result of being winners of the playoffs that were played on 13 June 2026. The status of this football club has changed as a result of such promotion. The complaint lodged by the applicant is against the procedure followed by the first respondent in coordinating the playoffs. The applicant insists that the relief it seeks will not affect the other football clubs, in particular the now promoted Phaphama FC, as the court is requested to order the first respondent to hear its complaint.

[30] It is inconceivable that the complaint lodged by the applicant can be determined without confronting the completed results and the rights of the now promoted Phaphama FC. If the internal processes sought have the potential of disturbing the results of the playoffs, at least Phaphama FC, who have a direct and substantial interest, should have been joined in these proceedings. On the contrary, if it does not have the potential of disturbing the results, as claimed by the applicant, then the relief sought cannot be said to be capable of redressing the harm which the applicant says it will suffer and there will be no basis for an urgent relief.

[31] In *Judicial Service Commission and Another v Cape Bar Council and Another*,⁵ the court held as follows:

⁵ *Judicial Service Commission and Another v Cape Bar Council and Another* [2012] ZASCA 115; 2013 (1) SA 170 (SCA) at para 12.

“It has by now become settled law that the joinder of a party is only required as a matter of necessity – as opposed to a matter of convenience – if that party has a direct and substantial interest which may be affected prejudicially by the judgement of the court in the proceedings concerned.”

[32] It is clear that the relief sought by the applicant may affect the promotion status of Phaphama FC and the other teams that participated in the playoffs on 13 June 2026; as such, Phaphama FC has a direct and substantial interest in the judgement of the court in these proceedings and ought to have been joined.

[33] In *Amalgamated Engineering Union v Minister of Labour*,⁶ Fagan AJA stated that the court would not determine issues in which a third party may have a direct and substantial interest without being satisfied that the rights of such third party will not be prejudicially affected by the order.

[34] As a result thereof, the court upholds this *point in limine*

[35] I now revert to the urgency of the matter; the applicant submits that the urgency was triggered on 11 June 2026, and a formal complaint was lodged on 13 June 2026 during the playoff games. The complaint lodged is against the formulation of the playoffs. The request by the applicant in its complaint clearly states that “*We therefore demand that lawful provincial games be set down to decide promotion.*”

[36] It is a fact that the formation of the playoffs as implemented and followed by the first respondent on 13 June 2026 was communicated to its members and affiliates, including the applicant, as far back as 12 September 2025, and the reasons thereof were stated. The decision to change the format of the playoffs was duly made by the Provincial Executive Committee (PEC) and communicated to the members and affiliates of the first

⁶ *Amalgamated Engineering Union v Minister of Labour* 1949 (3) SA 637 (A).

respondent. There is no challenge to this decision made by the PEC; the decision still stands.

[37] It is clear that what happened on 13 June 2026 was the implementation of the resolution communicated on 12 September 2025. The members of the first respondent, including the applicant, were aware of the new format of the 2025-2026 playoffs as at 12 September 2025. As a result, the court finds that the applicant has not discharged the burden of proving the urgency of the matter.

Analysis

[38] It is trite that in urgent proceedings the applicant must first establish the urgency of the matter. Should the applicant fail to establish urgency, the matter stands to be struck off the roll for lack of urgency.

[39] The court has also upheld the two *points in limine* raised by the first respondent in this matter; as a result, the court will not venture into the merits of the matter.

Remedy

[40] As a consequence of the upholding of the *points in limine*, the non-joinder of the interested third party and the lack of urgency of the matter, the application stands to be struck off the roll.

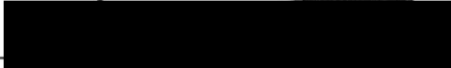
Order

[41] In the result, the following order is made:

- 1 The Applicants' *point in limine* relating to the non-compliance with Rule 7(1) is dismissed.
- 2 The First Respondent's *point in limine* of non-joinder is upheld.
- 3 The First Respondent's *point in limine* of lack of urgency is upheld.

4 The Application is struck from the roll.

5 The Applicant is to pay the costs of the application on a party and party basis, including the costs of Counsel on Scale C.


VM NSIBANDE

ACTING JUDGE OF THE HIGH COURT
MPUMALANGA DIVISION, MIDDELBURG

Appearances

For Applicant: Adv S Zimema
Instructed by: Mjali and Associates Attorneys

For Respondent: Adv S Maliwa assisted by Adv Ms L Mhambi
Instructed by: Merriam M Chueu Attorneys