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

Case number: 2025-222873

(1) Not reportable
(2) Not of interest to other judges

Date: 30 July 2026 [redacted]

In the matter between

**MURATI PLACE BODY CORPORATE** Applicant/Plaintiff

and

**LUYANDA KOPMAN** First Respondent/First Defendant
**SINAZO ANELE MOOI** Second Respondent/Second Defendant

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**Order**

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1. The Defendants are ordered to pay the Plaintiff R47 897.40.

2. The Defendants are ordered to pay the Plaintiff interest on R47 897.40 at the rate of 24% per annum, compounded monthly in arrears from 2 December 2025 to date of payment.

3. The Defendants are ordered to pay the Plaintiff's costs on the attorney and client scale taxed on the Magistrates' Court tariff, including the costs of one junior counsel on Scale A.

4. The Defendants are liable for the above amounts jointly and severally.

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**Judgment**

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**J Mitchell AJ**

[1] The Defendants, Luyanda Kopman and Sinazo Mooi, own a property in Murati Place, a residential complex in Johannesburg.

[2] Under section 2(1) of the Sectional Titles Schemes Management Act 8 of 2011, the Defendants became members of Murati Place's body corporate, the Plaintiff, when they bought their property. The Act requires the body corporate to have rules, and the Act authorises the body corporate to levy contributions on owners for the maintenance and running of the complex.

[3] The Defendants fell behind with their contributions. The body corporate sues. The Defendants filed a special plea of lis pendens, pointing to another suit between the body corporate and the Defendants in this Court under case number 2024-089709, or the 2024 suit for short. The Defendants plead that the 2024 suit is between the same parties, arises from the same cause of action, and concerns substantially the same subject matter and relief. In their special plea, the Defendants ask that these proceedings (or at least the underlying action) be stayed pending the finalisation of the 2024 suit.

[4] The Defendants plead over. In their main plea, they admit that they own property in Murati Place but they deny the other allegations in the particulars of claim. Aside from the special plea, the Defendants plead no substantive defence to the body corporate's claim.

[5] The 2024 suit is explained in more detail in the body corporate's affidavit in support of the application for summary judgment. In August 2024, the body corporate sued the Defendants for arrear contributions amounting to R10 968.07 as at the end of July 2024. A statement from the body corporate's managing agent shows that between July 2024 and August 2025, the Defendants paid about R18 000. The body corporate argues that the lis pendens objection is no good because those payments extinguished the debt that the body corporate claims in the 2024 suit. The body corporate also argues that, in any event, the claims are for different debts so the two suits are not for the same cause of action and do not ask for the same relief.

[6] In these proceedings, the body corporate sues for arrear contributions of R47 897.40, which is calculated in a statement from the managing agent dated 13 October 2025. That is a liquidated amount in money because it is capable of speedy and prompt ascertainment based on that statement and based on the underlying budgets and resolutions that the body corporate passed. I am also satisfied that the body corporate has complied with the other requirements under rule 32.

[7] In their heads of argument, the Defendants resist summary judgment on two grounds. In my view, neither ground raises a defence that is bona fide and good in law, and there is no reasonable possibility that either defence would succeed at trial.

[8] First, the Defendants rely on their special plea of lis pendens. There are three requirements for lis pendens: same parties, same cause of action, and same relief, *Caesarstone Sdot-Yam Ltd v World of Marble & Granite 2000 CC* 2013 (6) SA 499 (SCA) at para 12. The purpose of lis pendens is to "avoid a situation where different courts pronounce on the same issue with the risk that they may reach differing conclusions", *Caesarstone* at para 2. Even if the three requirements are met, a court has a discretion to refuse a stay, *Caesarstone* at para 34.

[9] Lis pendens can, in principle, be a bona fide defence and enough to resist summary judgment. But in my view, the Defendants misplace reliance on it on these facts. Compared to the 2024 suit, the same parties are on either side of the v, but the body corporate's claim here is for a different cause of action and for different relief. Each monthly invoice that the body corporate issues is a separate cause of action, and each demand for payment on each monthly invoice is separate relief. Moreover, there can be no risk of two courts reaching different conclusions because the Defendants' payments to the body corporate between July 2024 and August 2025 extinguish the debt that is sued on in the 2024 suit. For good measure, counsel for the body corporate quite properly conceded that the body corporate cannot take any further steps in the 2024 suit given its stance in these proceedings that the debt sued on there

is extinguished. For those reasons, the special plea of lis pendens is, in my view, neither bona fide nor good in law.

[10] The Defendants' second ground for resisting summary judgment is their argument that summary judgment is premature because of the pending special plea. I am not aware of any cases that say a special plea precludes an application for summary judgment. The architecture of rule 32 is against that proposition. The rule lets a plaintiff apply for summary judgment after a defendant has delivered a plea. A special plea must be delivered as part of the plea. So rule 32 necessarily envisages the possibility of an application for summary judgment despite a special plea.

[11] The Defendants argue that they are entitled "as a matter of procedural fairness, to have the Special Plea adjudicated first". I do not see any basis for an argument that the Defendants are entitled to have their special plea determined first at some kind of summary judgment-proof trial. In any event, courts routinely decide special pleas in applications for summary judgment: see, for example, *De Lange v De Lange* 2023 JDR 2573 (GP) (rejecting a special plea of lis pendens and granting summary judgment) and *Summer Brook Body Corporate v Masithela* 2026 JDR 1225 (GJ) (rejecting a special plea of lack of jurisdiction and granting summary judgment).

[12] At the hearing, counsel for the Defendants argued that they also dispute how the body corporate went about allocating their payments, including for the debt claimed in the 2024 suit. The Defendants do not plead a defence along those lines, so they cannot raise it as a reason against summary judgment: *AHMR Hospitality (Pty) Ltd v Da Silva* 2024 (3) SA 100 (WCC) at para 14.

[13] Murati Place's conduct rules, which bind the Defendants under section 10(4) of the Act, entitle the body corporate to charge interest at 24% per annum, compounded monthly in arrears. The rules also entitle the body corporate to recover legal costs on the attorney and client scale. But the amount of the claim means that costs should be on the Magistrates' Court tariff, not the High Court tariff. The body corporate asks for costs to include "tracing fees and collection commission", but those are not, in my view, appropriate to include in a costs order. As for the costs of counsel, the default Scale A will do.

[14] The body corporate's application for summary judgment accordingly succeeds, and I make this order:

1. The Defendants are ordered to pay the Plaintiff R47 897.40.

2. The Defendants are ordered to pay the Plaintiff interest on R47 897.40 at the rate of 24% per annum, compounded monthly in arrears from 2 December 2025 to date of payment.

3. The Defendants are ordered to pay the Plaintiff's costs on the attorney and client scale taxed on the Magistrates' Court tariff, including the costs of one junior counsel on Scale A.

4. The Defendants are liable for the above amounts jointly and severally.

[redacted]

**J Mitchell AJ**

Acting Judge of the Gauteng Division, Johannesburg

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| Date of hearing: | 28 July 2026 |
| Date of judgment: | 30 July 2026 |
| For the Applicant/Plaintiff: | PJ Badenhorst instructed by Heerschop Pienaar Attorneys |
| For the Respondents/Defendants: | V Dumalisile of Dumalisile Attorneys |