



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

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

SIGNATURE

DATE: 31 August 2026

Case No. 2026-142625

In the matter between:

TSAKANE GLENDA KHOZA

Applicant

and

FIRST RAND BANK LIMITED

First Respondent

THE DIRECTORS OF FIRST RAND BANK

Second to Eleventh Respondents

ROAD ACCIDENT FUND

Twelfth Respondent

THE SHERIFF, CENTURION EAST

Thirteenth Respondent

JUDGMENT

WILSON J:

- 1 On 14 July 2026, I struck this application from my urgent roll. My reasons for doing so were recorded *ex tempore*, then transcribed and published as *Khoza v First Rand Bank* [2026] ZAGPJHC 806 (14 July 2026). Because the

application had been brought where manifestly no urgency existed, in the face of a previous order of this court striking the same matter from the urgent roll for 30 June 2026, and, on both occasions, without having so much as alleged a cause of action against the second to eleventh respondents, I directed the applicant's attorney, a Mr. Malatji, to show cause why he should not pay the costs of the hearing before me *de bonis propriis*. Counsel for the second to eleventh respondents, Mr. Konstantinides, also urged me to make such an order because, he submitted, the papers suggested that the applicant, Ms. Khoza, is an impecunious litigant who was not really the driving force behind the litigation. The true driver of the litigation, Mr. Konstantinides submitted, was Mr. Malatji, who ought to pay the costs of the inept manner in which the litigation had been pursued.

2 Mr. Malatji's affidavit to show cause was filed on 31 July 2026. Regrettably, the affidavit does not address the questions of why the urgent application was re-enrolled in the face of a previous order striking it or why the second to eleventh respondents had been joined, for a second time, to litigation which had nothing directly to do with them. Much of the affidavit was taken up with an intemperate critique of my decision to strike the matter from the roll and wholly unsubstantiated allegations of dishonesty directed at the second to eleventh respondents and their representatives. The affidavit displayed neither an appreciation of the inappropriate way the litigation on behalf of Ms. Khoza had been brought, nor an explanation for Mr. Malatji's conduct.

3 Mr. Malatji is of course entitled to his opinions. No court is perfect. I am prepared to accept the notional possibility that both I and Senyatsi J, who

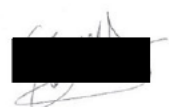
struck the matter from his 30 June 2026 urgent roll, may have been mistaken in doing so. But Mr. Malatji had his remedies for any errors he perceived. What I needed from him was not a re-argument of the merits of his application, but an explanation of why it had been brought twice in the face of clear rules which forbade the course of action he elected to pursue, and against respondents in respect of whom there was no extant *lis*.

4 No such explanation appears from Mr. Malatji's affidavit. The consequence is that Mr. Malatji has not shown cause why he should not pay the costs of the 14 July 2026 hearing out of his own pocket. For that reason, such an order must follow.

5 It appears that this is the third time that this court has been moved to criticise Mr. Malatji's conduct, and the second occasion on which he has been directed to pay the costs arising from his poor judgement *de bonis propriis* (see *Road Accident Fund v Ruele* [2026] ZAGPPHC 290 (14 April 2026) and *Road Accident Fund v Ruele* [2024] ZAGPPHC 749 (26 July 2024)). A period of reflection on his general approach to litigation might now serve Mr Malatji well.

6 Accordingly, I make the following order –

6.1 The applicant's attorney, Mr. S Malatji, is ordered to pay the costs of the urgent hearing of 14 July 2026 *de bonis propriis*. The costs of counsel may be taxed on scale "B".



S D J WILSON
Judge of the High Court

This judgment was prepared by Judge Wilson. It is handed down electronically by circulation to the parties or their legal representatives by email, by uploading it to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 31 August 2026.

HEARD ON: 21 July 2026

FURTHER SUBMISSIONS ON: 31 July and 20 August 2026

DECIDED ON: 31 August 2026

For the Applicant: Malatji S Attorneys

For the First to Eleventh
Respondents: Van Hulsteyns Attorneys