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

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|----|---------------------------------|
| 1. | REPORTABLE: No |
| 2. | OF INTEREST TO OTHER JUDGES: No |
| 3. | REVISED: |

DATE: 27 August 2026

SIGNATURE OF ACTING JUDGE:

CASE NUMBER: 2026-038046

In the matter between:-

HARRY KIBEL

First Applicant

**ALL THOSE WHO ARE CARRYING OUT
CONSTRUCTION WORKS AT ERF 1[...] M[...]**

Second Applicant

VENTURE STORAGE (PTY) LTD

Third Applicant

and

**THE CITY OF EKURHULENI METROPOLITAN
MUNICIPALITY**

Respondent

In re :

**THE CITY OF EKURHULENI METROPOLITAN
MUNICIPALITY**

Applicant

and

HARRY KIBEL

First Respondent

**ALL THOSE WHO ARE CARRYING OUT
CONSTRUCTION WORKS AT ERF 1[...] M[...]**

Second Respondent

VENTURE STORAGE (PTY) LTD

Third Respondent

JUDGMENT

Delivered: This judgment was handed down electronically by circulation to the parties' legal representatives by email subsequent to the orders granted in the urgent court on 17 and 21 August 2026 and a request for reasons from the respondent on 24 August 2026. The date and time for hand-down of these reasons is deemed to be 27 August 2026.

PRETORIUS AJ:

Introduction

[1] In this matter two orders were granted by me during the week of 17 August 2026 in the urgent court, the first on 17 August and the second on 21 August. On 24 August 2026 the respondent (*the Municipality*) requested reasons for the two orders. These are the reasons for those orders.

[2] Both orders are interlocutory and preservatory. Neither order determined the merits of the applicants' application brought on 17 August 2026. In particular, neither order finally determined:

(2.1) whether section 18(1), read with section 18(5), of the Superior Courts Act 10 of 2013 (*the Act*) suspended the demolition order of 21 April 2026;

(2.2) whether the applications for leave to appeal in the High Court remain pending after they were struck from the roll;

- (2.3) whether the application lodged with the Supreme Court of Appeal (*the SCA petition*) is competent or has suspensive effect;
- (2.4) whether the application was barred by *res judicata* or issue estoppel arising from the dismissal of Part A of the applicants' suspension and rescission application by Van Nieuwenhuizen AJ;
- (2.5) whether the orders of 3 March and 21 April 2026 were appealable or rescindable; or
- (2.6) the merits of Part B of the rescission application.

[3] The purpose of both orders was to preserve the remaining structures and regulate the further conduct of the proceedings until those questions could be determined on an adequate record. Demolition is irreversible and irreparable.¹ If execution proceeded before the threshold issues were properly determined, later success in the High Court, the Supreme Court of Appeal or the rescission proceedings could be rendered practically hollow.

Background

[4] This application has a complex procedural history over a six-month period during which various applications were brought by the respective parties and several orders were made.

[5] On 3 March 2026 Twala J granted an immediately operative rule nisi. Among other things, the order joined Venture Storage (Pty) Ltd, declared the construction at Erf 1[...] M[...] (*the property*) illegal on an interim basis, interdicted further construction, directed the applicants to demolish the structures within five days and authorised the Municipality to demolish them upon non-compliance.

¹ *Knoop NO v Gupta (Execution)* 2021 (3) SA 135 (SCA).

[6] On 24 March 2026 Senyatsi J granted an agreed procedural order regulating the filing of affidavits and advancing the return day to 21 April 2026. The order also prohibited further construction and access for construction or accommodation.

[7] On 21 April 2026 Dlamini J confirmed the rule nisi. On 30 April 2026 the applicants delivered an application for leave to appeal in respect of the orders of Twala J and Dlamini J.

[8] On 6 May 2026, while demolition was underway, Fisher J ordered that the demolition be suspended pending determination of the application for leave to appeal.

[9] On 1 June 2026 Twala J ordered, in the application for leave to appeal directed at the 3 March order, that the leave application “*is struck off the roll for the reason that the rule is not appealable*”. On 7 July 2026 Dlamini J ordered, in the application for leave to appeal directed at the 21 April confirmation order that the leave application “*is struck off the roll for the reason that the order is not appealable as it was granted on an unopposed basis and in default of the respondents’ appearance*”.

[10] The applicants thereafter launched a two part rescission application. Part A sought a stay under Rule 45A pending Part B in which rescission was sought. Van Nieuwenhuizen AJ dismissed Part A. Reasons for the dismissal were requested but had not been furnished when the present application was heard. Part B, I understand, remains pending.

[11] An application for leave to appeal was thereafter lodged with the Supreme Court of Appeal. The applicants contend that its lodgement suspended the operation and execution of the demolition order under section 18(1), read with section 18(5), of the Act. The Municipality disputes that proposition, contending principally that the orders are not appealable and that the Supreme Court of Appeal lacks jurisdiction.

[12] On the morning of 17 August 2026, municipal officials attended at the property and demolition recommenced. The applicants’ attorneys requested an undertaking that

demolition would stop. The Municipality disputed that any suspension was operative and no undertaking was given. The applicants then approached the urgent court while demolition was in progress.

The order of 17 August 2026

[13] The applicants approached the court on an extremely urgent basis without application papers. Both sides were represented and addressed the court. The immediate factual position was that demolition had commenced and might continue before a properly constituted application could be filed and heard.

[14] I was not then in a position fairly to determine the disputed statutory and procedural issues in the absence of papers properly supported by the relevant evidence. It was nevertheless necessary to prevent the proposed written proceedings from being rendered nugatory before they could be heard. The order of 17 August was accordingly granted for the following reasons.

[15] In terms of paragraph 1 of the said order, the Municipality was ordered to suspend demolition pending the determination of the written application to be brought on the timetable fixed in paragraphs 1.1 to 1.4. That relief was warranted for the following reasons:

- (15.1) demolition was not merely threatened but was undisputedly underway;
- (15.2) structures demolished before the hearing could not practically be restored by a later order. The applicants faced possible irreparable harm if no holding order was made;
- (15.3) the order did not stay execution indefinitely. It operated for one day, until the written application could be heard at 11h30 on 18 August;

- (15.4) the order did not determine whether section 18 applied, whether the SCA petition was competent, or whether the underlying demolition orders were valid or appealable;
- (15.5) the prejudice to the Municipality was a brief delay in execution. The prejudice to the applicants was the possible permanent destruction of the subject matter before judicial consideration of the application; and
- (15.6) without a temporary cessation order, the right to approach the court would have been deprived of practical content.

[16] The 17 August order is therefore an urgent holding order. Its purpose was to preserve the status quo only until the Municipality had received written papers, answered them and had been heard. The purpose of the order was further to ensure that the interim protection sought was immediately supported by a proper written case. The applicants had approached the court without papers because demolition was in progress. The truncated timelines ordered limited prejudice to the Municipality by ensuring that it received the applicants' pleaded case on the same afternoon, whilst giving it sufficient time to answer considering that the demolition was underway. The Municipality was already represented and was familiar with the core dispute. I engaged both counsel regarding the proposed truncated timelines and both counsel indicated that it was suitable in the circumstances.

[17] The order provided that the application be heard in the same court on the following day. This preserved continuity which served both efficiency and fairness.

[18] The 17 August order struck a proportionate balance between immediate preservation, prompt written papers, a right of answer and an expedited hearing.

The hearing on 18 August 2026

[19] Application papers were delivered and the application was argued on 18 August. The applicants, relying on section 18(1), read with section 18(5), of the Act, contend that the Municipality was not entitled to continue demolishing the structures at the property while the SCA petition, which was lodged on 6 August 2026 under case number 870/2026, was pending. Consequently, the operation and execution of the demolition order of Dlamini J on 21 April were automatically suspended in the absence of the Municipality obtaining an execution order under section 18(3).

[20] The applicants dispute that the 21 April order was granted in default and therefore incapable of appeal. They say that the underlying application was opposed, an answering affidavit was filed, and their attorney attended court intending to seek a postponement. They contend that the order was granted before their representative was heard and in circumstances that violated the *audi alteram partem* principle.

[21] They also contend that the demolition orders are vulnerable because Venture Storage was joined by Twala J's order of 3 March 2026 and was simultaneously subjected to immediately operative interdictory and demolition relief before service. They rely on alleged non-joinder of FirstRand Bank, which holds mortgage bonds over the property, disputes concerning the approved building plans and ownership, and the alleged failure to determine the matter in accordance with the *Plascon-Evans* rule.

[22] Finally, the applicants say that demolition would cause irreversible proprietary and commercial harm and render any later success before the SCA or in the pending Part B rescission application practically ineffective. They contend that no comparable prejudice would be caused to the Municipality by preserving the property and tendered that no further construction or occupation would occur. The applicants contend that there is no evidence that the remaining structures pose an immediate danger to the public.

[23] The applicants accordingly sought a suspension of the demolition and consequential interdictory relief pending determination of the SCA petition, which, according to the applicants, triggered statutory suspension under section 18.

[24] The Municipality contends that section 18 of the Act does not suspend the demolition orders because there is no competent appeal process pending. Relying on *Pitelli v Everton Gardens Projects CC*² and *Lee v Road Accident Fund*,³ the Municipality argues that an order granted by default is susceptible to rescission, not appeal. The Supreme Court of Appeal therefore has no jurisdiction, and the mere administrative lodgement of a petition cannot trigger section 18.

[25] The Municipality further contends that the High Court applications for leave were struck rather than dismissed and that the statutory prerequisite for approaching the SCA under section 17(2)(b), being a refusal of leave by the High Court, was therefore not satisfied. However, at the same time, the Municipality contends that those applications cannot properly be re-enrolled because the underlying orders were judicially determined to be unappealable. On either basis, according to the Municipality, there is no valid application for leave pending in the High Court or the Supreme Court of Appeal capable of suspending execution.

[26] The Municipality also relies on the earlier dismissal of Part A of the rescission application by Van Nieuwenhuizen AJ. It says that substantially the same stay was sought there, including relief linked to the contemplated SCA petition, and rejected. The present proceedings accordingly seek to revisit an issue already decided by another judge of the same Division and are barred by res judicata or issue estoppel, alternatively constitute forum shopping or an abuse of process. The applicants elected to pursue rescission after the default characterisation and should not change remedies after failing to obtain a stay.

² *Pitelli v Everton Gardens Projects CC* 2010 (5) SA 171 (SCA).

³ *Lee v Road Accident Fund* 2024 (1) SA 183 (GJ). *Pitelli* and *Lee* establish that an order granted in a party's absence is ordinarily not appealable while it remains rescindable. Whether those principles applied to Venture Storage depended on unresolved facts concerning service, affidavits, representation and the events of 21 April.

[27] The hearing revealed material disputes.

- (27.1) First, the exact effect of the orders striking the applications for leave from the roll is uncertain. During argument the Municipality's counsel accepted that the leave application before Dlamini J remained alive because it had been struck rather than dismissed. That proposition raised the question whether section 18(1) might operate by reason of the High Court application itself. The respondent's counsel subsequently contended that, although notionally capable of re-enrolment, the application could never be heard because the underlying order was unappealable. Whether or not the Dlamini J order of 21 April was by default is however disputed by the applicants who relied on their attorney's presence at court when it was granted. That position requires fuller investigation.
- (27.2) Secondly, *res judicata* could not be finally determined without knowing the reasons for Van Nieuwenhuizen AJ's order dismissing Part A of the application before her. The original Part A relief concerned a Rule 45A stay pending the rescission relief in Part B. The Municipality contends that amended relief concerning an intended SCA petition was also argued before Van Nieuwenhuizen AJ, whilst the applicants contend that the present application rested in addition on a later, actually lodged petition and a distinct statutory cause. Reasons for the dismissal of Part A were requested by the applicants but were not yet available.
- (27.3) Thirdly, the nature of the alleged default on 21 April is unclear. The Municipality initially contended that no answering affidavit existed. During the hearing an answering affidavit filed on 2 March 2026 was identified. The Municipality then distinguished Venture Storage's position from that of Mr Kibel, contending that Venture Storage had filed no affidavit after joinder. The applicants further identified a postponement application allegedly filed on 21 April and a confirmatory affidavit by their attorney, Ms Erasmus. The full documents and their party-specific effect were in dispute.

(27.4) Fourthly, the SCA petition appeared in an unsigned form in parts of the record, while correspondence recorded later formal lodgement and allocation of a case number on 6 August 2026. As mentioned, the effect of the SCA petition was and remains in dispute.

(27.5) Fifthly, the applicants' notice of motion sought an order directing suspension, while the founding affidavit advanced the case that section 18 itself caused automatic suspension. During argument the applicants' counsel accepted that declaratory relief would more accurately reflect the statutory case and tendered an amended draft. That development furthermore reinforced the need for procedural regularisation before final relief.

[28] On consideration and reflection of the record and submissions advanced, I concluded that the final determination of the issues raised in the present application would be unsuitable. The order of 21 August therefore continued preservation and directed focused supplementation on the disputes identified.

The order of 21 August 2026

[29] Paragraph 1 of the 21 August order extends the suspension of the demolition provisions in the orders of 3 March and 21 April pending final determination of the present application and subject to compliance with the remainder of the order. This is, in my view, justified because demolition remained irreversible, the threshold issues could materially affect whether execution was lawful, those issues could not fairly be resolved on the incomplete and disordered record, preservation did not finally determine any party's substantive rights, preservation is temporary and subject to an expedited process and the applicants are required to cure the deficiencies that prevented final determination.

[30] The proviso that suspension would lapse if the applicants failed to deliver the affidavit required by paragraph 3 of the order serves three purposes:

(30.1) it prevents open ended protection without diligent prosecution;

(30.2) it places responsibility on the applicants to produce the relevant documents and information; and

(30.3) it protects the Municipality from delay caused by non-compliance.

[31] Paragraph 1 of the 21 August order does not constitute a finding that section 18 automatically applied. The statutory issue is expressly reserved in paragraph 7 of the order. The stay serves as an interim preservation measure pending final determination.

[32] Paragraph 2 of the 21 August order removed the application from the urgent roll and directed that it proceeds in the ordinary course, subject to the expedited timetable. The application could not properly be determined as a conventional urgent motion because the hearing revealed material factual disputes, absent documents, disputed procedural histories, a potentially dispositive *res judicata* issue dependent on outstanding reasons and a need to distinguish the procedural position of each applicant.

[33] Removal was preferable to dismissal. Dismissal would have treated defects in the urgent record as dispositive and permitted irreversible execution. Postponement on the urgent roll would have retained a matter requiring substantial supplementation in a forum not designed for extended factual development. However, the expedited timetable recognises that the demolition dispute remains time sensitive.

[34] Paragraph 3 of the 21 August order requires the applicants to supplement their papers within ten court days. The ten day period balances urgency against the nature and complexity of the required material.

[35] The complete record of the suspension and rescission application is required because the Municipality raised *res judicata* and issue estoppel. Determining those defences requires a comparison of the parties, causes, issues, relief and reasons for the decision. The original relief sought alone was insufficient. At the hearing, the Municipality alleged that the applicants amended the proposed order before Van Nieuwenhuizen AJ to include relief linked to the SCA petition and that supplementary

submissions were invited. The original and amended relief, directives and post hearing submissions should be considered with the reasons for the decision, which reasons were not yet available.

[36] The request for reasons and any reasons furnished are required because the bare dismissal of Part A did not reveal whether it was based on the requirements of Rule 45A, the prospects or procedural status of Part B, the contemplated or later SCA process, res judicata, abuse or election, absence of urgency or prejudice or another ground. I could not infer the ratio of Van Nieuwenhuizen AJ's decision. Nor could I determine the preclusive effect of that decision without reasons and the record.

[37] The final lodged SCA petition, proof of service and any directions issued by the Supreme Court of Appeal are required because section 18(5) ties statutory suspension to lodgement with the Registrar "*in terms of the rules*". In this regard it is necessary to distinguish an unissued petition served in anticipation of filing, the final lodged petition, the date and scope of lodgement, the component concerning the 21 April order, said to be timely, and the component concerning the 3 March order, for which condonation is sought.

[38] The Municipality challenges the Supreme Court of Appeal's jurisdiction. The best available proof of the actual proceeding before the Supreme Court of Appeal is therefore indispensable.

[39] The complete answering affidavit of 2 March 2026 is required because the existence and effect of that affidavit became contested at the hearing. The default analysis under *Pitelli* and *Lee* turns in part on whether the affected party placed a version before the court of first instance. It was necessary to determine who deposed to the affidavit, on whose behalf it was filed, whether it purported to speak for Venture Storage before or after joinder, which disputes it raised and whether those disputes formed part of the record before Dlamini J. A filing sheet or selected extracts could not answer those questions.

[40] The transcript of 21 April recorded that Dlamini J asked about a postponement application. The applicants alleged that a postponement application had been filed and that Ms Erasmus was present in court to move it. The Municipality disputed the significance of those allegations. The postponement application and proof of filing and service are required to determine whether it was properly before court, which party brought it, whether the Municipality knew of it, whether it explained the applicants' apparent non-appearance when the matter was called and whether the 21 April order was correctly characterised as a true default order.

[41] Counsel's submissions about Ms Erasmus's presence and conduct cannot serve as evidence. Ms Erasmus' account of the event as set out in her letter of 26 May 2026 appears to be disputed by the Municipality. A complete account of the events from her affidavit is necessary because she was the person said to have attended court on 21 April 2026, intended to seek a postponement and allegedly approached Dlamini J after the order. Her affidavit and direct account are required to distinguish personal knowledge from what Mr Kibel had been told and to test the allegations against the transcript and the Municipality's version.

[42] The records of the 1 June and 7 July leave hearings are required because the orders alone recorded only the result and brief stated reasons. The transcripts could establish whether the applicants were represented, the submissions that were made concerning appealability and default, whether striking rather than dismissal was deliberate, whether any direction concerning re-enrolment was given and the nature of the judicial decision said to have been made.

[43] Recognising that transcripts might not be obtainable within ten court days, paragraph 3.6 of the 21 August order requires evidence of the steps taken to procure them. That avoids penalising the applicants for transcription processes beyond their control while requiring diligence and expedience.

[44] The proceedings involved different versions of the respective applicants' representation. It appears that different counsel and attorneys appeared at different

stages, which inflates the disputes between the parties. A party-by-party procedural matrix is therefore required. It is not intended as evidence replacing the source documents. It is instead intended to identify, for each material date, whether the party concerned had been cited and served, its legal representation, the papers filed for it, its appearance or absence and the alleged consequence of any default. That structured account is necessary to avoid conflating Mr Kibel's opposition with Venture Storage's later position.

[45] Paragraph 4 of the 21 August order affords the Municipality ten court days after the applicants' supplementation to deliver a supplementary answering affidavit. Fairness requires the Municipality to have a full opportunity to answer the applicants' supplemented papers, particularly the applicants' account of the Part A proceedings, the claimed effect of the SCA petition, the party specific default analysis, the alleged continued pendency of the High Court leave applications and the applicants' proposed formulation of relief. Ten court days corresponds with the applicants' period and is sufficient considering that the Municipality is already familiar with the litigation.

[46] Paragraph 6 of the 21 August order regulates conduct pending final determination. The conditions are reciprocal and designed to preserve both the property and the Municipality's regulatory interests.

[47] The suspension of demolition or preparatory demolition steps (paragraph 6.1) is necessary because permitting preparatory steps could undermine the stay or create a fait accompli. It maintains the status quo while the threshold issues are determined. The prohibition imposes delay, not a permanent deprivation, on the Municipality. If the Municipality ultimately prevails, execution can proceed. If the applicants prevail, the subject matter will remain available for effective relief.

[48] Paragraph 6.2 prohibits further construction and occupation for construction or accommodation, which condition is proportional. The stay is not intended to permit the applicants to exploit the delay by progressing allegedly unlawful construction, increasing the scale of the dispute or allowing occupation that might create safety or eviction

complications. The condition substantially preserves the position already reflected in the earlier procedural order and in undertakings expressed by the applicants. It protects the Municipality and the public while demolition is stayed.

[49] No evidence was placed before me to the effect that the remaining structures were unstable, at risk of collapse, occupied or posed an immediate danger to the public or any person. The Municipality did not rely on an urgent safety risk as a reason why demolition had to proceed before the procedural and appellate disputes were determined. The preservation order (paragraph 6.3) nevertheless permits non-destructive municipal safety inspections and prohibits further construction and occupation, thereby addressing any legitimate precautionary concern without permitting irreversible demolition. The order therefore permits inspection but confines it to non-destructive activity and requires reasonable notice. This balances preservation with public safety oversight.

[50] Paragraph 6.4 permits either party to approach the court on supplemented papers for variation in a genuine emergency. An interlocutory preservation order remains subject to variation if circumstances call for it. Examples might include an objectively demonstrated structural collapse risk, an unauthorised resumption of construction and occupation of the site amongst others. Requiring supplemented papers discourages unilateral action and ensures that any variation would be judicially supervised on evidence.

[51] Paragraph 7 of the 21 August order reserves all issues concerning section 18, the competence and effect of the SCA petition, the status of the High Court leave applications, res judicata or issue estoppel, the rescission application and costs. The order is preservatory, not dispositive. It prevents the interim stay from being misconstrued as a final determination of these issues.

[52] Costs were reserved because responsibility for the need for urgent proceedings and supplementation could be assessed only after the threshold issues and the parties' conduct are fully considered.

Conclusion

[53] The order of 17 August was required to stop actual demolition for the brief period necessary to exchange written papers and hear the parties.

[54] The hearing on 18 August demonstrated that the application could not safely be decided finally on the urgent record. The order of 21 August accordingly extends preservation, imposes reciprocal safeguards, directs focused supplementation and reserves every disputed substantive issue.

[55] The orders seek to avoid the greater risk of irreversible injustice. The Municipality's execution rights were delayed but not extinguished. The applicants received protection but only subject to strict compliance, no further construction or occupation, municipal safety inspections and expedited adjudication.

[56] For these reasons the following orders were granted:

On 17 August 2026 –

1. The respondent is ordered to cease and/or suspend the demolition of the structures on Erf 1[...] M[...], also known as 1[...] K[...] Road, M[...], pending the determination of a written application to be brought by the applicants as follows:
 - 1.1 The applicants shall serve and file the aforesaid application by 16h00 on Monday, 17 August 2026;
 - 1.2 The respondent shall serve and file its answering affidavit by 08h00 on Tuesday, 18 August 2026;
 - 1.3 The applicants shall serve and file their replying affidavit, if any, by 10h00 on Tuesday, 18 August 2026;
 - 1.4 Whereafter the application will be heard before the above Honourable

Court at 11h30 on Tuesday, 18 August 2026.

On 21 August 2026 –

1. The operation and execution of the demolition provisions contained in the orders dated 3 March and 21 April 2026 remain suspended as per the order of 17 August 2026 subject to this order and pending the final determination of the application brought by the applicants on 17 August 2026 (*“this application”*). Should the applicants fail to deliver the affidavit provided for in paragraph 3 below, the suspension will lapse.
2. This application is removed from the urgent roll and is to proceed in the ordinary course, subject to the expedited timetable in paragraphs 3 to 5 below.
3. The applicants shall supplement their papers within ten court days by delivering, amongst others, a supplementary affidavit with the following documents and evidence:
 - 3.1 the complete Part A and Part B record of the application which served before Van Nieuwenhuizen AJ (*“the rescission application”*), including the original and amended relief placed before Van Nieuwenhuizen AJ, all directives and post-hearing submissions before her, the request for reasons and the reasons, if available;
 - 3.2 the final signed, commissioned and lodged application for leave to appeal to the Supreme Court of Appeal, proof of service and any Supreme Court of Appeal directions;
 - 3.3 the complete 2 March 2026 answering affidavit;
 - 3.4 the 21 April 2026 postponement application and proof of filing and service;
 - 3.5 Ms Erasmus’s confirmatory affidavit and direct account of the hearings;

- 3.6 transcripts or available records of the 1 June and 7 July 2026 leave hearings or, if not available within the ten day period, evidence of the steps taken to procure the transcripts; and
- 3.7 a party-by-party procedural matrix identifying representation, papers and defaults.
- 4. The respondent (Municipality) shall deliver a supplementary answering affidavit within ten court days thereafter.
- 5. The applicants may reply within five court days after receipt of the supplementary answering affidavit.
- 6. Pending final determination of this application:
 - 6.1 no demolition or preparatory demolition step may occur;
 - 6.2 no further construction or occupation for construction or accommodation may occur;
 - 6.3 the respondent (Municipality) may conduct non-destructive safety inspections on reasonable written notice to the applicants; and
 - 6.4 either party may approach the Court on supplemented papers for a variation of this order in a genuine emergency.
- 7. All issues concerning section 18, the competence and effect of the application for leave to appeal to the Supreme Court of Appeal, the status of the High Court leave applications, res judicata or issue estoppel, Part B of the rescission application and costs are reserved.

ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

DATE OF HEARING:	17 and 18 August 2026
DATE OF ORDERS:	17 and 21 August 2026
DATE OF JUDGMENT:	27 August 2026

COUNSEL FOR THE APPLICANTS:	Adv M Kohn
INSTRUCTED BY:	Michael Popper and Associates Inc

COUNSEL FOR THE RESPONDENT:	Adv EN Sithole
INSTRUCTED BY:	José and Associates