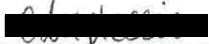


REPUBLIC OF SOUTH AFRICA



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

Case Number: 2025/070141

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES
04/09/2026	
DATE	SIGNATURE

In the matter between:

CITY OF JOHANNESBURG METROPOLITAN

First Appellant

MUNICIPALITY TSHEPO MAKOLA N.O.

Second Appellant

and

**INDEPENDENT SCHOOLS ASSOCIATION OF
SOUTHERN AFRICA NPC**

First Respondent

**TRUSTEES FOR THE TIME BEING OF THE
SLOVO PARK EDUCATIONAL TRUST**

Second Respondent

SALVAZIONE CHRISTIAN SCHOOL NPC

Third Respondent

ROEDEAN SCHOOL SOUTH AFRICA NPC	Fourth Respondent
MINISTER OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Fifth Respondent
MEMBER OF THE EXECUTIVE COUNCIL FOR CO- OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, GAUTENG PROVINCE	Sixth Respondent
MEMBER OF THE EXECUTIVE COUNCIL FOR EDUCATION, GAUTENG PROVINCE	Seventh Respondent
MINISTER OF FINANCE	Eighth Respondent
TRUSTEES FOR THE TIME BEING OF THE SPARROW SCHOOLS EDUCATIONAL TRUST	Ninth Respondent
BELLAVISTA SCHOOL NPC	Tenth Respondent
CITYKIDZ PRE AND PRIMARY SCHOOL NPC	Eleventh Respondent

JUDGMENT

DU PLESSIS J and NDLOKOVANE AJ (MAHOSI J concurring)

Introduction

- [1] This is an opposed full court appeal in which the first and second appellants note an automatic appeal under section 18(4)(a)(ii) of the Superior Courts Act¹ (Act), against the whole of Mudau J's judgment in terms of section 18(3) of the Act, that directed that a prior review concerning the first appellant's four-year phasing-in of the "business and commercial" tariff on independent schools should remain operative pending the outcome of all present and future appeals. The review itself is not before us for reconsideration. What is before us is to decide whether the court a quo was entitled to lift the usual suspension of its order by finding, on

¹ 10 of 2013.

the record before it, that exceptional circumstances existed, that independent schools and the learners would suffer irreparable harm if execution were refused, and that the first appellant would not suffer irreparable harm if the execution were granted.

- [2] The appeal thus only concerns the section 18(3) order permitting execution of the underlying review order pending the first appellant's appeal to the Supreme Court of Appeal (the main appeal). The first appellant contends that the court a quo erred both in law and fact in granting execution pending appeal and in granting extensive additional relief beyond the scope of section 18.
- [3] The principal grounds that the first appellant relies on are:
- (a) That paragraphs 9 and 11 of the order are incompetent because they purport to prevent the automatic suspension of an order pending a section 18(4) appeal, contrary to the Act and binding authority. The first appellant also submits that ISASA failed to establish:
 - i. exceptional circumstances;
 - ii. irreparable harm if execution were refused; and
 - iii. absence of irreparable harm to the first appellant if execution were granted.
 - (b) That the court misapplied the legal test, relied on historical rather than prospective harm, overlooked the first appellant's undertakings and the urgency of the appeal, reversed the statutory onus regarding harm to the first appellant, and failed to properly consider the financial and administrative prejudice to the municipality.
 - (c) That the court improperly resolved material factual disputes on motion proceedings, contrary to the Plascon-Evans rule, and made findings of contempt-like conduct, bad faith and constitutional breach without the procedural safeguards applicable to contempt proceedings or referral to oral evidence.

- (d) That insufficient weight was given to the fact that the Supreme Court of Appeal had already granted leave to appeal in the main matter, demonstrating that the issues are reasonably arguable. It argues that execution pending appeal effectively pre-empts the outcome of that appeal and renders aspects of it nugatory.
- (e) That the court incorrectly interpreted the April 2025 review order as governing subsequent financial years from 2024/25 to 2026/2. It argues that, properly construed, the order applied only to the 2023/24 Rates Policy and did not prescribe tariffs for later years.
- (f) That the condonation granted for ISASA's replying affidavit, submitted approximately nine months late, and that the court improperly relied on extensive new matter introduced in reply, including evidence concerning schools not party to the proceedings.
- (g) That the punitive attorney-and-client costs order was unjustified because the findings of contemptuous conduct were unsustainable, the opposition raised substantial legal issues, and the first appellant was exercising a bona fide statutory right of appeal.

Relief sought

- [4] Based on the above, the first appellant seeks an order upholding the appeal, setting aside the section 18 order of 6 July 2026 and substituting it with an order dismissing the application with costs. Alternatively, it seeks to set aside paragraphs 3 to 12 of the order and a declaration confirming that the operation and execution of the underlying review order of 8 April 2025 remain suspended under section 18(1) pending determination of the main appeal.

Parties

- [5] The first appellant is the City of Johannesburg Metropolitan Municipality (the City), a metropolitan municipality established in terms of the Constitution and the applicable local government legislation. The second appellant is Tshepo Makola,

cited in his official capacity as the Acting Municipal Manager of the City. Unless the context indicates otherwise, we refer to the appellants collectively as 'the City', and where it is necessary to distinguish between them, we refer to each separately as cited.

- [6] The first Respondent is the Independent Schools Association of Southern Africa NPC (ISASA), a non-profit company representing independent schools in the Southern African region. ISASA is the oldest and largest association of independent schools in Southern Africa. It has more than 900 member schools across South Africa, Botswana, Eswatini, Namibia, Angola, Lesotho, Mozambique, Mauritius and Zambia, of which approximately 847 are situated in South Africa.
- [7] The second Respondent is the Trustees for the Time Being of the Slovo Park Educational Trust (Slovo Park Trustees).
- [8] The Third Respondent is Salvazione Christian School (Salvazione Christian School), a non-profit independent school situated in the Slovo Park informal settlement, serving approximately 202 learners from predominantly low-income households.
- [9] The Fourth Respondent is Roedean School (Roedean School), a non-profit independent school.
- [10] For convenience, WErefer to the first to fourth respondents collectively as 'ISASA', except where it is necessary to distinguish between the individual respondents.
- [11] The appeal is opposed by the first to fourth respondents. The fifth respondent has filed a notice to abide by the decision of the court.

Relevant background

- [12] The background to this appeal is largely common cause.

- [13] On 8 April 2025, Mudau J delivered judgment in the consolidated review proceedings under case numbers 95869/2023, 133361/2023, 120464/2023 and 128616/2023 (the review order). In that judgment, the court declared unlawful and set aside the City's 2023/2024 Municipal Property Rates Policy and By-Law insofar as they re-categorised privately owned educational properties as "business and commercial" and phased in the associated tariff over the 2023/2024 to 2026/2027 financial years. It held that the City failed to conduct a lawful public participation process and had not properly considered the best interest of learners and their basic education when adopting that scheme, and it directed the City to instead levy rates on private educational properties at the level of the former education category, adjusted by specific annual increases, pending the adoption of a new, lawful policy. On 5 May 2025, the City lodged an application for leave to appeal. In consequence, the operation and execution of the review order was automatically suspended in terms of section 18(1), read with section 18(5), of the Act.
- [14] On 6 May 2025, the electricity supply to Salvazione Christian School was disconnected. At that stage, the review order had been in full operation since 8 April 2025 and had not yet been suspended by the City's application for leave to appeal. The supply was restored on 16 May 2025, following the City's written undertaking that no further disconnection would occur by reason of the non-payment of rates in respect of a property affected by the review order.
- [15] On 20 May 2025, ISASA launched an application in terms of section 18(3) of the Act, seeking an order that the April 2025 review order should continue to operate and be executed pending the determination of the appeal. The City delivered its answering affidavit on 13 June 2025. Leave to appeal against the review order was refused by the High Court on 24 June 2025, whereafter the City petitioned the Supreme Court of Appeal on 24 July 2025. On 24 November 2025, the Supreme Court of Appeal granted the City leave to appeal.
- [16] ISASA's replying affidavit was delivered on 20 March 2026, approximately nine months out of time. On 29 May 2026, the City launched an application to strike

out portions of the replying affidavit on the basis that it introduced extensive new matter and evidence concerning schools not cited as parties. The section 18 application was heard on 19 June 2026.

[17] On 6 July 2026, Mudau J delivered judgment and granted the order which is the subject of the present appeal.

[18] The order comprised twelve operative paragraphs. In summary, the learned Judge:

- (a) granted condonation for the late filing of the replying affidavit;
- (b) dismissed the City's strike-out application;
- (c) declared that the City had failed to comply with the review order between 8 April and 5 May 2025 and had thereby acted in breach of section 165 of the Constitution;
- (d) directed the Acting Municipal Manager to ensure compliance with the review order in relation to the 2026/27 Rates Policy and By-law and to report to the court within 21 days;
- (e) suspended the operation of the 2026/27 Rates Policy and By-law, insofar as they relate to privately owned educational properties, pending such compliance;
- (f) directed that the electricity supply to Salvazione Christian School be restored without charge;
- (g) ordered that paragraphs 1 to 5 of the review order would not be suspended by any present or future application for leave to appeal or appeal and would remain operative pending the final determination of all such proceedings;
- (h) granted a further interdict restraining the City from implementing credit-control measures to recover rates in excess of the education tariff, subject to specified annual adjustments; and
- (i) ordered the City to pay the costs of the application on the attorney-and-client scale, including the costs of two counsel.

[19] The learned Judge furnished reasons simultaneously with the order, as contemplated in section 18(4)(a)(i) of the Act. On the same day, 6 July 2026, the City noted an automatic appeal in terms of section 18(4)(a)(ii) of the Act against the whole of the judgment and order, alternatively against paragraphs 3 to 12 thereof. The appeal lies as of right to the full court of this division, being the "next highest court" contemplated in section 18(4)(b)(i) of the Act, the order having been granted by a single judge. By operation of section 18(4)(a)(iv) of the Act, the execution order granted under section 18(3) was automatically suspended upon the noting of the appeal. Pending its determination. Section 18(4)(a)(iii) further requires that such an appeal be dealt with "as a matter of extreme urgency". It is that appeal which now serves before this court.

Issues for determination

[20] The issues that arise for determination are whether the court a quo correctly exercised the powers conferred by section 18(3) of the Superior Courts Act. More particularly, this court must determine:

- (a) Whether the court a quo correctly found that the respondents established the three jurisdictional requirements for relief under section 18(3), namely:
 - i. exceptional circumstances.
 - ii. that they would suffer irreparable harm if the order were not put into operation pending appeal; and
 - iii. that the City would not suffer irreparable harm if execution were permitted.
- (b) Whether the court a quo exceeded the scope of its powers under section 18 by granting relief that went beyond authorising the interim execution of the order under appeal, including the declaratory relief, supervisory orders, suspension of the 2026/27 Rates Policy and by-law, the credit-control interdict, and the costs order.

- (c) Whether paragraphs 9 and 11 of the order are legally competent, having regard to section 18(4)(a)(iv), which provides that a section 18 execution order is automatically suspended upon the noting of an appeal.
- (d) Whether the court a quo misdirected itself in resolving disputed factual issues on the papers, making findings of contemptuous or unconstitutional conduct, and relying on evidence introduced in reply.
- (e) Whether the court a quo failed to take proper account of the pending appeal before the Supreme Court of Appeal and the effect that execution pending appeal would have on that appeal.
- (f) Whether the court a quo correctly interpreted the order of 8 April 2025 as extending beyond the 2023/24 Rates Policy to subsequent financial years.
- (g) Whether the court a quo erred in granting condonation for the late filing of the replying affidavit, dismissing the strike-out application, and making a punitive costs order.

[21] The central enquiry is whether the respondents established the jurisdictional requirements for the exceptional remedy in section 18(3), and whether the relief granted was competent and appropriately directed at giving practical effect to the review order pending appeal.

Applicable legal prescripts

[22] Section 18 of the Superior Courts Act codifies the common-law position governing the execution of court orders pending appeal. Generally, the operation and execution of a decision which is the subject of an application for leave to appeal or an appeal is suspended pending the determination of those proceedings.

[23] Section 18(1) provides:

“Subject to subsections (2) and (3), and unless the court under exceptional circumstances orders otherwise, the operation and execution of a decision which is the subject of an application for leave to appeal or of an appeal is suspended pending the decision of the application or appeal.”

[24] Section 18(3) permits a court to depart from that default position, but only where stringent requirements are met. It provides that a court may order execution pending appeal only if the applicant proves on a balance of probabilities that-

- (a) exceptional circumstances exist;
- (b) the applicant will suffer irreparable harm if execution is not ordered; and
- (c) the respondent will not suffer irreparable harm if execution is ordered.

[25] These requirements are cumulative. The failure to establish any one of them is fatal to the application.

[26] Section 18(4) further provides that where such an execution order is granted:

- (a) the court must immediately record its reasons;
- (b) an aggrieved party has an automatic right of appeal to the next highest court;
- (c) the appeal must be dealt with as a matter of extreme urgency; and
- (d) the execution order is automatically suspended pending the outcome of that appeal.

[27] The jurisprudence has consistently emphasised that section 18(3) creates an exceptional departure from the ordinary rule that judgments are suspended pending appeal. In *Incubeta Holdings (Pty) Ltd v Ellis*² (*Incubeta*) the court held that exceptional circumstances depend on the peculiar facts of each case and must be truly out of the ordinary.

² 2014 (3) SA 189 (GJ) para 16.

- [28] The court in *University of the Free State v Afriforum*³ explained that execution pending appeal is “an extraordinary deviation from the norm” and that section 18(3) imposes a stringent threshold before a successful litigant may execute a judgment pending appeal. The court has further held that the applicant bears the onus throughout of establishing all three jurisdictional facts on a balance of probabilities. The court may not reverse that onus or infer the absence of irreparable harm merely because the respondent has not proved prejudice.
- [29] The appellate court is not concerned with whether it would itself have exercised the discretion differently. Where the decision depends upon the existence of jurisdictional facts prescribed by statute, the appeal court is entitled to determine afresh whether those jurisdictional requirements were established.
- [30] In determining a section 18(3) application, the court is not called upon finally to determine the merits of the pending appeal. However, where leave to appeal has already been granted, particularly by the Supreme Court of Appeal, that is a relevant consideration in assessing whether the appeal is bona fide and reasonably arguable, and whether execution pending appeal risks rendering the appeal academic.⁴
- [31] Finally, because section 18(3) proceedings are ordinarily brought on motion, the ordinary principles governing motion proceedings remain applicable. Material disputes of fact must be resolved in accordance with the rule in *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd*⁵ (*Plascon-Evans*), and courts should be slow to make findings of bad faith, contempt or credibility on affidavit where genuine disputes of fact exist.
- [32] This court is not concerned with deciding the merits of the pending appeal before the Supreme Court of Appeal. Nevertheless, the fact that the Supreme Court of Appeal has granted leave to appeal is an important consideration demonstrating that the appeal raises reasonably arguable questions of law. Execution should

³ 2018 (3) SA 428 (SCA) paras 9-10.

⁴ *University of the Free State v Afriforum* [2016] ZASCA 165 para 15.

⁵ 1984 (3) SA 623 (A) at 634E–635C.

therefore not lightly be permitted where it may substantially anticipate or render the appeal academic.

Exceptional circumstances

- [33] The first jurisdictional requirement imposed by section 18(3) of the Act is the existence of exceptional circumstances. The concept is not defined in the Act and has deliberately been left to judicial development. In *Incubeta*, the court held that exceptional circumstances are circumstances which, viewed against the ordinary rule that execution is suspended pending appeal, justify a departure from that rule.⁶ Whether such circumstances exist depends upon the peculiar facts of each case and must be determined in the context of the interests of justice.
- [34] The enquiry is therefore fact specific. A court must consider the cumulative effect of all relevant circumstances rather than isolate each factor and determine whether it is intrinsically exceptional. Circumstances that may appear ordinary when viewed individually may, in combination, constitute the degree of exceptionality contemplated by section 18. Equally, the enquiry is informed by the constitutional values implicated by the dispute and the practical consequences of maintaining the statutory suspension pending the determination of the appeal.
- [35] The respondents relied on a constellation of circumstances which, taken together, they contended justified immediate execution of the review order. In practical terms, execution in this context would primarily prevent the City from continuing to levy and enforce, against private educational properties, the phased-in "business and commercial" tariff that the review court had declared unlawful, and from employing credit-control measures, including the termination of electricity, to compel payment of the differential over the education-equivalent rate.

⁶ *Incubeta* above n 2 paras 21-2.

[36] Those circumstances included:

- (a) the disconnection of electricity to Salvazione Christian School shortly after the review judgment;
- (b) the continuing implementation by the City of the tariff structure declared unlawful by the review court;
- (c) the financial burden imposed on independent schools through the levying of commercial rates;
- (d) the recurring threat of credit-control measures; and
- (e) the impact of those measures on learners, particularly children attending schools serving vulnerable communities.

[37] It is common cause that the interruption of electricity at Salvazione Christian School materially disrupted the school's ordinary functioning. The evidence demonstrates that teaching activities, nutrition programmes, learner safety and the day-to-day administration of the school were adversely affected. Although electricity was subsequently restored, the restoration followed urgent intervention and a written undertaking by the City that no further disconnection would occur on account of the disputed rates pending the appeal. The restoration of supply did not eliminate the underlying dispute nor remove the continuing uncertainty confronting the affected schools.

[38] The City submitted that these events were historical in nature and therefore incapable of constituting exceptional circumstances at the time the section 18(3) application was heard. It argued in particular that the disconnection at Salvazione and the levying of the phased-in tariff occurred under the 2023/2024 policy, and that by the time of the hearing, a new rates policy was in force which, in its view, lawfully authorised the continued levying of commercial rates and the use of credit-control measures. We are unable to agree. The disconnection was not relied upon merely as an isolated historical event. Rather, it formed part of a broader pattern of conduct that the respondents relied upon to demonstrate the practical consequences of permitting the suspension of the review order to remain in place. The evidence before the court a quo disclosed that the City,

under its subsequent policies, continued to levy rates in accordance with the same phased-in business and commercial tariff structure set aside in the review proceedings and the subject of the appeal, and continued to reserve to itself the right to employ statutory credit-control mechanisms in the event of non-payment. Those circumstances created an ongoing risk of repeated disruption, grounded in the continuation of the same scheme under a different legislative instrument, rather than a completed event with no future significance.

- [39] Considerable emphasis was placed by the City upon the written undertaking furnished after the restoration of electricity. While that undertaking was properly considered, it could not, in the circumstances of this case, neutralise the respondents' concerns. The undertaking related to the disconnection of electricity for one school. It did not resolve the broader dispute concerning the continued implementation of the impugned tariff regime, nor did it constitute an abandonment by the City of its position that commercial rates remained payable notwithstanding the review judgment. The respondents were therefore not required to accept that the undertaking eliminated the prospect of future prejudice, particularly where the evidence showed continuing disputes regarding implementation of the review order.
- [40] This matter is distinguishable from the ordinary commercial dispute in which execution pending appeal is sought merely to secure the fruits of a monetary judgment. The litigation concerns the implementation of a judgment affecting the constitutional right to basic education, the best interests of children protected under section 28(2) of the Constitution, and the constitutional obligation resting upon organs of state to comply with and give effect to binding court orders. The cumulative effect of the continued implementation of the impugned tariff structure, the practical consequences for educational institutions, the demonstrated disruption already experienced, and the constitutional interests implicated, constitute exceptional circumstances within the meaning of section 18(3). The court a quo cannot therefore be faulted for concluding that the first jurisdictional requirement had been established.

Irreparable harm: respondents

- [41] The remaining jurisdictional requirements prescribed by section 18(3) are that the applicant must establish, on a balance of probabilities, first, that it will suffer irreparable harm if the order is not put into operation pending appeal, and secondly, that the respondent will not suffer irreparable harm if execution is permitted. These requirements are cumulative, and the onus rests squarely upon the applicant throughout. As emphasised by the court in *UFS v Afriforum* the threshold is deliberately stringent because section 18 constitutes an exceptional departure from the general rule that judgments are suspended pending appeal.⁷
- [42] The enquiry into irreparable harm is necessarily prospective. The court is required to assess the practical consequences that are likely to arise during the pendency of the appeal before the Supreme Court of Appeal. It is not sufficient to identify harm already suffered unless that harm demonstrates a continuing or recurring risk. Equally, the court must distinguish between prejudice that is capable of subsequent redress through ordinary legal remedies and prejudice which, by its nature, cannot adequately be remedied after the event.
- [43] The respondents demonstrated that the continued enforcement of the impugned tariff regime would have consequences extending well beyond financial inconvenience. The evidence established that many independent schools, including schools serving economically disadvantaged communities, would continue to divert limited educational resources towards the payment of rates levied at the disputed commercial tariff. While financial prejudice, viewed in isolation, is ordinarily capable of subsequent recovery, the evidence in the present matter demonstrates that the practical effect of the disputed levies is to diminish the resources available for teaching, learner support programmes, the maintenance of educational facilities, and the provision of essential services. Those consequences are neither abstract nor speculative.
- [44] Of particular significance is the evidence regarding the disruption of educational activities caused by the City's implementation of credit-control measures. The

⁷ *UFS v Afriforum* above n 3.

interruption of electricity at Salvazione Christian School illustrated the practical consequences that may follow where municipal powers are exercised pending the determination of the appeal. The evidence showed that the interruption adversely affected classroom teaching, learner nutrition programmes, security, sanitation and the ordinary administration of the school. Harm of that nature cannot meaningfully be reversed after the appeal has been determined. Lost instructional time, disruption to vulnerable learners, and interference with the delivery of basic education are not adequately compensable by an award of damages.

[45] The constitutional dimension of the enquiry is of particular importance. Section 29(1)(a) of the Constitution guarantees everyone the right to a basic education, a right which the Constitutional Court has repeatedly recognised as immediately realisable. Section 28(2) further provides that a child's best interests are of paramount importance in every matter concerning the child. The prejudice identified by the respondents is therefore not confined to proprietary interests. It directly implicates the constitutional rights of learners who are not themselves parties to these proceedings but whose interests the court is constitutionally obliged to protect. Where the suspension of a judgment is likely to impair the continued delivery of education, the resulting prejudice is properly characterised as irreparable.

[46] The City contended that any prejudice suffered by the respondents could be adequately addressed should they ultimately succeed on appeal, because any excess rates paid could be adjusted or refunded. That submission fails to engage with the substance of the respondents' case. The principal prejudice relied upon is not merely the payment of additional rates but the practical consequences of requiring schools to operate under an unlawful tariff regime during the period of the appeal. Once educational programmes have been curtailed, staff retrenched, learners displaced, or essential services interrupted, subsequent reimbursement cannot restore what has been lost.

Absence of irreparable harm: the City

- [47] It remains necessary to consider whether the respondents established that the City will not suffer irreparable harm if execution is permitted. The City relied principally on the impact that implementation of the review order would have on municipal revenue, annual budgeting, and the administration of the Municipal Property Rates Act⁸ (Municipal Property Rates Act) and the Municipal Finance Management Act⁹ (Municipal Finance Management Act). Those considerations are undoubtedly relevant. A municipality bears constitutional and statutory obligations to ensure sound financial management, and the court must be astute not to underestimate the significance of municipal fiscal planning.
- [48] The question, however, is not whether the City will suffer inconvenience or financial prejudice. Section 18(3) requires proof of irreparable harm. The distinction is critical. The evidence demonstrates that the disputed revenue is capable of precise calculation and accounting. Should the City ultimately succeed before the Supreme Court of Appeal, it will remain legally entitled to recover any rates found to have been underpaid together with any lawful interest or ancillary charges permitted by the applicable statutory framework. The temporary implementation of the review order therefore postpones, rather than extinguishes, the City's entitlement should it ultimately prevail.
- [49] Nor are we persuaded that the administrative consequences relied upon by the City rise to the level of irreparable prejudice contemplated by section 18(3). Municipal budgeting is necessarily dynamic and frequently accommodates adjustments arising from litigation, legislative amendments and revised fiscal assumptions. The City placed no evidence before the court a quo demonstrating that compliance with the review order pending appeal would threaten its financial viability, materially impair the discharge of its constitutional obligations or produce consequences incapable of subsequent correction. The prejudice identified is real but remediable. It does not satisfy the stringent statutory standard of irreparability.

⁸ 6 of 2004.

⁹ 56 of 2003.

[50] Having regard to all the evidence, we are satisfied that the respondents discharged the onus resting upon them under section 18(3). They established, on a balance of probabilities, that they and the learners served by the affected schools would suffer irreparable prejudice if execution were refused, whereas the prejudice to the City, although not insignificant, is essentially financial and administrative in character and is capable of subsequent adjustment should the appeal before the Supreme Court of Appeal succeed. The court a quo therefore committed no misdirection in concluding that the second and third jurisdictional requirements had been established.

Interpretation of the April 2025 order

[51] The City submitted to the court a quo that it misconstrued the review order of 8 April 2025 by treating it as applicable beyond the 2023/2024 financial year. According to the City, the review order concerned only the Rates Policy adopted for that particular financial year and could not lawfully regulate subsequent annual rates policies enacted under the Municipal Property Rates Act. It was submitted that each annual rates policy constitutes a separate legislative instrument under sections 4, 5 and 12 of the Municipal Property Rates Act, read with section 24 of the Municipal Finance Management Act, and that any challenge to a later policy must be brought by way of separate review proceedings. Further, the City contended that Mudau J effectively amended earlier judgment by introducing obligations concerning future annual rates policies which had never formed part of the original order.

[52] ISASA, by contrast, argued that paragraphs 2, 5, 11 and 13 of the April 2025 order unmistakably contemplated the entire four-year phase-in period and that the July 2026 order merely enforced what had already been decided.

[53] This court need not determine that interpretative dispute conclusively, as that forms part of the issues already before the Supreme Court of Appeal. It suffices to observe that the Supreme Court of Appeal has already granted leave to appeal on the interpretation of the review order. That fact alone demonstrates that the question is reasonably arguable. But for the purpose of this appeal, it remains

necessary to identify the practical consequences of maintaining the suspension of the review order while that appeal is pending. That enquiry does not require this Court to finally decide the validity of later annual policies or the ultimate meaning of paragraphs 2 and 5 of the review order.

- [54] The review order concerned the 2023/2024 rates policy, which adopted a four-year phasing scheme under which privately owned educational properties would move from the former education tariff to the business and commercial tariff over the 2023/2024 to 2026/2027 financial years.
- [55] The review court treated the impugned decision as a four-year phasing-in scheme. It set aside the 2023/2024 Policy and By-Law insofar as they concerned the categorisation of educational properties and the phasing-in of the relevant rates, and directed the City to levy rates in accordance with paragraph 5 of its order. The parties differ on whether, properly interpreted, that relief directly governs the later annual policies and the rates levied under them. That difference is for the Supreme Court of Appeal to resolve.
- [56] Before us, the City argued that each later annual rates policy is a separate legislative instrument and that any challenge to it must be brought in separate proceedings. The respondents' answer is that, notwithstanding the adoption of later instruments, the City has continued to levy rates at the phased business-and-commercial tariff in respect of privately owned educational properties. They contend that the practical effect is to maintain the same migration from the education tariff that was challenged in the review proceedings. The section 18 enquiry may take account of that practical consequence without deciding the validity of any later policy.
- [57] The practical consequence of the City's position is that, while the appeal remains unresolved, affected schools must either pay the rates levied under the later policies or institute further review proceedings as successive policies are adopted. The respondents contend that this places them at risk of repeated enforcement action and litigation regarding what they regard as the same phased migration. That asserted consequence was relevant to whether the review order

should operate pending appeal. The respondents characterised the City's conduct as denuding the effectiveness of court orders and requiring affected parties to institute fresh litigation each year.

[58] That circumstance speaks directly to the City's constitutional position as an organ of state. When there is a serious challenge to the validity of the purported exercise of public power, a state of uncertainty necessarily follows: on the one hand, the action is treated as if it were valid until declared invalid; on the other hand, the practical consequences of the action may turn out to be invalid as well. For that reason, the law requires all concerned to respect the pending legal process and, as far as is reasonably possible, to limit the practical consequences of the challenged action. In appropriate circumstances, an authority should halt its actions when it is aware that review proceedings are to be instituted against it. This imperative is reinforced by sections 165(4) and (5) of the Constitution, which require organs of state to assist and protect the courts and make court orders binding upon them. The authorities relied on by Mudau J and the respondents, including *Pheko v Ekurhuleni Metropolitan Municipality*¹⁰ and *Pikoli v President*,¹¹ emphasise that an organ of state may not undo court orders or their practical consequences, and that where public power is under serious challenge, it must, as far as reasonably possible, limit the practical consequences of the impugned decision while the courts determine its lawfulness.¹² It does not determine the merits of the appeal or amount to a finding of contempt. It is relevant to the practical and constitutional context in which the section 18 enquiry must be conducted.

[59] The City's conduct, on the papers, was the opposite. Rather than limiting the consequences of a scheme already declared unlawful, it continued to levy and enforce the phased-in tariff and to rely on later policies to preserve the practical incidence of that scheme pending appeal. Mudau J was therefore entitled to treat the matter as dealing with the 2023/2024 phased-in policy and as relevant

¹⁰ 2016 (5) SA 600 (CC).

¹¹ 2010 (1) SA 400 (GNP).

¹² The judge quotes JR de Ville *Judicial Review of Administrative Action in South Africa* (LexisNexis Butterworths, Durban 2003) at 332–333.

circumstances in deciding whether suspension of the review order would cause irreparable harm.

- [60] In interpreting a court order, the court must adopt the now-settled approach applicable to the interpretation of legal instruments generally. The language of the order must be construed purposively and in its proper context, having regard to the judgment as a whole and the issues that the court was called upon to determine. An order cannot be interpreted in isolation from the reasons that explain its meaning and intended effect. The application of that approach to paragraphs 2 and 5 of the review order, however, is one of the questions before the Supreme Court of Appeal.
- [61] The review judgment demonstrates that the legality of the City's decision was examined against the backdrop of the entire phased tariff structure. The review court repeatedly referred to the four-year implementation period and concluded that the migration of educational properties to the business and commercial tariff was unlawful. The relief granted was designed not merely to invalidate the tariff applicable during the 2023/2024 financial year but to restore the educational tariff that would have prevailed had the unlawful decision not been implemented.
- [62] It is common cause that municipalities are required annually to adopt rates policies and tariffs in accordance with the Municipal Property Rates Act and the Municipal Finance Management Act. The City relies on that annual legislative process to support its submission that each subsequent policy must be challenged separately. Whether that submission is correct, having regard to the terms and effect of the review order, is not for this Court to decide. For present purposes, it is sufficient that the respondents' contention raises a practical question: whether a municipality may preserve the practical effect of a decision already declared unlawful merely by incorporating that decision into successive annual fiscal instruments, pending an appeal. It would seem that to accept such a proposition would enable an organ of state to neutralise the practical effect of a review judgment while an appeal is pending, notwithstanding the constitutional obligation resting upon it to respect and give effect to judicial decisions.

- [63] The respondents did not seek, in the section 18 proceedings, a review and setting aside of the later annual policies as independent legislative instruments. They complained that the City continued, through those instruments, to give practical effect to the same phased tariff regime that the review court had declared unlawful. That distinction is important. The section 18(3) proceedings did not seek to review or invalidate the later rates policies. Rather, they sought to ensure that the review judgment retained practical efficacy pending the determination of the appeal.
- [64] The evidence before the court a quo demonstrated that the City continued to categorise privately owned educational properties under the business and commercial tariff and continued to levy rates calculated according to the phased progression that had formed the subject of the review proceedings. On the respondents' case, this left affected schools with a choice between paying the disputed tariff and pursuing further proceedings in respect of later policies. That practical predicament was relevant to the section 18 enquiry. It did not require the court to determine the validity of those policies.
- [65] The City's approach would substantially undermine the effectiveness of judicial review in matters involving ongoing governmental conduct. Where a review court has declared a particular administrative or legislative scheme unlawful, an organ of state cannot, pending appeal, preserve the practical operation of that scheme by re-enacting its material features in successive instruments while contending that each requires fresh litigation. Such an approach is inconsistent with the constitutional principle that court orders are binding upon organs of state until set aside by a competent court.
- [66] It follows that Mudau J did not err in concluding that the continued implementation of the phased tariff structure was a relevant consideration in determining whether execution should be permitted pending appeal. That conclusion did not determine the merits of the pending appeal before the Supreme Court of Appeal. Nor did it usurp the appellate function of that court. It merely recognised that, unless execution were authorised, the respondents would continue to experience the practical consequences of a scheme that had already been declared unlawful

by the review court, notwithstanding that the legality of that declaration remained the subject of appellate scrutiny.

- [67] The existence of the appeal before the Supreme Court of Appeal is undoubtedly an important consideration. The grant of leave to appeal demonstrates that the issues are reasonably arguable. It does not, however, create a presumption against execution pending appeal, nor does it displace the statutory enquiry mandated by section 18(3). Once the respondents established exceptional circumstances and irreparable harm, the court a quo was entitled to conclude that the interests of justice favoured preserving the practical efficacy of the review order pending the final determination of the appeal. We accordingly find no material misdirection in the court a quo's approach to interpreting and implementing the review judgment.

Scope of section 18 relief

- [68] The City further contends that, even if the jurisdictional requirements of section 18(3) were established, the court a quo exceeded the powers conferred upon it by granting relief extending beyond the execution of the review order. It is submitted that the declaratory orders, supervisory relief, suspension of portions of the 2026/2027 Rates Policy and By-law, the interdict restraining credit-control measures, and paragraphs 9 and 11 of the order constituted fresh substantive relief which could not competently be granted in proceedings brought under section 18(3).
- [69] It is correct that section 18(3) is not an independent source of substantive jurisdiction. Its purpose is limited. It empowers a court, in exceptional circumstances and where the prescribed jurisdictional facts have been established, to order that an existing judgment operate notwithstanding the noting of an appeal. It does not authorise a court to determine fresh causes of action or to grant substantive final relief unrelated to the implementation of the judgment under appeal.
- [70] That principle, however, must be applied with due regard to the nature of the proceedings before the court a quo. The respondents did not seek to advance a

new cause of action divorced from the review judgment. The central purpose of the application was to secure the effective implementation of the order of 8 April 2025 during the pendency of the appeal. In considering whether execution should be authorised, the court was entitled to examine the conduct of the parties following the grant of the review order and to fashion ancillary relief directed at rendering that order practically effective.

- [71] Courts possess an inherent power to regulate their own process and to ensure that their orders are not rendered ineffective through conduct designed, whether deliberately or otherwise, to frustrate their implementation. Section 173 of the Constitution preserves the inherent power of the superior courts to protect and regulate their own processes, having regard to the interests of justice. That inherent jurisdiction does not permit a court to disregard statutory limitations. It does, however, permit the making of procedural and ancillary orders necessary to give practical effect to existing judgments.
- [72] The supervisory directions issued to the Acting Municipal Manager must be viewed in that context. They were directed towards ensuring compliance with the review order and securing accountability on the part of the municipality in implementing a judgment binding upon it. Structural or supervisory relief is now well recognised in South African constitutional jurisprudence as an appropriate mechanism where ongoing compliance by organs of state is required. The fact that such relief accompanies an order under section 18 does not necessarily render it incompetent, provided that it remains directed at securing compliance with the existing judgment rather than creating new substantive rights.
- [73] Likewise, the interdict restraining the implementation of credit-control measures was not granted as an independent remedy, but rather as an ancillary measure in support of the review order. Its evident purpose was to preserve the efficacy of the review judgment by preventing enforcement action based upon the tariff structure that had been declared unlawful. Had the City remained free to disconnect services or institute credit-control measures founded upon the impugned tariff during the pendency of the appeal, the practical benefit of the section 18 order would have been substantially undermined.

- [74] The City's submission that the suspension of portions of the 2026/2027 Rates Policy constituted impermissible substantive relief requires closer scrutiny. Ordinarily, a court exercising powers under section 18 would not suspend the operation of legislative instruments not themselves the subject of the underlying judgment. However, the evidence before the court a quo established that the impugned provisions of the 2026/2027 policy represented the continued implementation of the very phased tariff scheme declared unlawful in the review proceedings. The temporary suspension of those provisions was therefore not directed at determining their independent validity but at preventing the review order from being rendered ineffective pending appeal.
- [75] The City separately attacks paragraphs 9 and 11 of the order. It submits that both purport to preclude the automatic suspension that follows, under section 18(4)(a)(iv) of the Act, when an appeal is noted against an order made under section 18(3). The submission requires separate consideration of each paragraph.
- [76] Section 18(4)(a)(iv) is peremptory and self-executing. Where an execution order is granted under section 18(3), and an appeal is filed against it, the execution order is automatically suspended by law pending the determination of the appeal. No court order granting execution can override this suspension, whether based on section 18(3) or the inherent powers retained by section 173 of the Constitution.¹³
- [77] Paragraph 9 provides that the operation and execution of paragraphs 1 to 5 of the review order "is not suspended by any application for leave to appeal or any appeal", and that the review order continues to be operational and enforceable "until the final determination of present and future leave to appeal applications and appeals". Read in the context of an order granted under section 18(3), that language is directed at the suspension worked by section 18(1) in respect of the review order. That is the very suspension section 18(3) exists to lift, and lifting it is what the court a quo was asked to do. The language cannot bear the wider meaning of excluding the distinct suspension worked by section 18(4)(a)(iv) in

¹³ *Knoop and Another NNO v Gupta (Tayob Intervening)* [2020] ZASCA 149 para 29.

respect of the execution order itself, because the statute forbids that meaning, and because Mudau J was plainly conscious of the statute, having furnished his reasons immediately as section 18(4)(a)(i) requires. An order must, where its language reasonably permits, be construed so as to be lawful and effective. So construed, paragraph 9 requires no amendment.

[78] This is not a novel course. In *Maritz v Truworths Ltd*,¹⁴ a Full Court of the Western Cape Division sitting in an appeal under section 18(4)(a)(ii) confronted an execution order in materially identical terms, providing that the order under appeal "shall not be suspended pending the determination of the Respondent's application for leave to appeal and any further appeal proceedings". The court held that, to the extent that this wording was arguably wide enough to include the section 18(4)(a)(ii) appeal then before it, it was incompetent; but that, properly construed, and bearing in mind the provisions of section 18(4)(a)(iv) "of which Higgins AJ was doubtless aware", the order was not intended to include that appeal.¹⁵ No part of the order was set aside on that account. We would adopt the same approach.

[79] Nor is paragraph 9 incompetent because it refers to present and future leave applications and appeals. That complaint was rejected in *Maritz*, on the strength of *Ntlemeza v Helen Suzman Foundation*,¹⁶ in which the Supreme Court of Appeal endorsed a proactive approach by a court in granting an execution order to avoid "a multiplicity of applications" and the "to-ing and fro-ing of litigants". Navsa JA approved wording substantially similar to paragraph 9, noting that the high court reasonably foresaw additional appeals and issued an order not only to clarify the current position but also to anticipate future appeal processes. Courts have the right to oversee their own procedures. In this regard, paragraph 9 remains appropriate.

[80] There is a further and simpler answer. The suspension under section 18(4)(a)(iv) has already done its work. Paragraph 9 has been suspended since 6 July 2026, when the City noted this appeal, and has not operated since. On the dismissal of

¹⁴ [2025] ZAWCHC 508

¹⁵ Para 63.

¹⁶ [2017] ZASCA 93 at para 32.

this appeal, the execution order revives by operation of law, and paragraph 9 revives with it.

- [81] Setting the paragraph aside does not remedy anything. It removes from the respondent relief Mudau J was entitled to grant. When a statutory provision overrides the alleged defect, an appellate court does not go further.
- [82] Paragraph 11 requires separate treatment, even though the outcome is the same. That paragraph interdicts the City from taking credit-control action to enforce rates exceeding the education-equivalent tariff. The City attacks it on the same ground as paragraph 9, namely that it impermissibly defeats the automatic suspension in section 18(4)(a)(iv). That ground misconceives the basis on which paragraph 11 was granted.
- [83] Section 18(4)(a)(iv) suspends an execution order granted under section 18(3). Paragraph 11 is not such an order. It was not granted in order to put the review order into operation. It was sought as separate relief, in the alternative, in the event the court found that paragraph 2 of the review order did not itself prohibit the City from enforcing the business and commercial rate. The requirements for an interim interdict were pleaded, in that alternative, as a discrete cause of action. Mudau J granted it on that footing. He held that, given his finding on paragraph 2, it was strictly unnecessary to reach the alternative relief, but that its requirements had in any event been established: a reasonable apprehension of irreparable harm, a balance of convenience favouring the interdict, and the absence of a suitable alternative remedy.
- [84] This means that section 18(4)(a)(iv) has no application to paragraph 11, because that paragraph does not owe its existence to section 18(3). It also means that the correctness of paragraph 11 falls to be tested against the requirements for an interim interdict, and it has not been attacked on that basis. The City does not contend that a prima facie right was absent, that the apprehension of harm was unreasonable, that the balance of convenience favoured it, or that a suitable alternative remedy existed. Paragraph 11 accordingly stands unassailed on the only grounds relevant to it.

- [85] It may be said that paragraph 11 cannot be independent of the section 18 relief because it was sought conditionally. We do not agree. Relief pleaded in the alternative is not for that reason dependent upon the relief to which it is an alternative. The conditional formulation identifies paragraph 11 as the relief to be granted if the section 18 case should fail to provide the necessary relief.
- [86] If paragraph 11 was to be regarded as an order granted under section 18(3), the answer is the same as for paragraph 9. It cannot exclude the operation of section 18(4)(a)(iv), and it need not be set aside in order to be denied that effect.
- [87] The City further criticised the court a quo for making observations regarding its conduct and its constitutional obligations. Those observations must be understood in context. The court was required to assess whether exceptional circumstances existed and whether the continued suspension of the review order would occasion irreparable prejudice. In undertaking that enquiry, it was both relevant and necessary to consider the City's conduct following the review judgment. References to the constitutional obligations resting upon organs of state were not findings of contempt but formed part of the broader assessment required under section 18(3).
- [88] The court a quo was entitled to emphasise that organs of state occupy a special constitutional position. They are expected to conduct litigation in a manner consistent with the rule of law, constitutional accountability and respect for judicial authority. Those observations neither determined the pending appeal nor imposed criminal or quasi-criminal liability upon the City. They reflected constitutional principles which informed the exercise of the court's discretion under section 18(3).
- [89] In the result, we conclude that the court a quo did not materially exceed the ambit of section 18 by granting ancillary relief designed to secure the effectiveness of the review order.

Factual disputes

- [90] The City further contended that the court a quo impermissibly resolved material disputes of fact on the papers and, in doing so, made findings of bad faith,

constitutional breach and conduct akin to contempt without referring the matter to oral evidence. Reliance was placed upon the principles articulated in *Plascon-Evans*.

- [91] The submission cannot be upheld. The *Plascon-Evans* rule does not require every factual disagreement appearing in affidavits to be referred to oral evidence. The rule applies only where a dispute is genuine, bona fide and material to the determination of the issues before the court. Courts are required to distinguish between real disputes of fact and disputes that are contrived, peripheral or incapable of affecting the outcome.
- [92] The essential facts upon which the section 18 application depended were either common cause or objectively established by documentary evidence. It was not disputed that the review order had been granted on 8 April 2025; that leave to appeal had suspended its operation by virtue of section 18(1); that electricity to Salvatore Christian School had subsequently been disconnected; that the City furnished a written undertaking following restoration of supply; and that disputes thereafter continued regarding the implementation of the review judgment and the continued levying of the impugned tariff.
- [93] The differences between the parties concerned principally with the legal significance of those events rather than their occurrence. That exercise did not involve the determination of credibility disputes of the kind ordinarily requiring viva voce evidence. In any event, no application for contempt was sought or granted; the court's observations were made in the context of assessing exceptional circumstances and the City's conduct as an organ of state exercising public power.
- [94] Nor did the court a quo determine an application for contempt of court. No declarator of contempt was sought or granted, and no coercive or punitive sanctions were imposed. References to section 165 and to the binding nature of court orders were made in the context of assessing exceptional circumstances and the City's conduct as an organ of state exercising public power. In these circumstances, there is no misdirection in the court a quo's decision to determine

the application on affidavit, and there is accordingly no basis upon which this court may interfere with the exercise of the court a quo's discretion in that regard.

Condonation

- [95] The City also challenges the order granting condonation for the late filing of the respondents' replying affidavit and the dismissal of its application to strike out portions thereof. It is common cause that the replying affidavit was delivered approximately nine months out of time.
- [96] The grant or refusal of condonation is a matter entrusted to the judicial discretion of the court of first instance. An appellate court will interfere only where that discretion has not been exercised judicially, or where it is shown that the court acted upon a wrong principle, misdirected itself on the facts, or concluded that no reasonable court could have reached.
- [97] The explanation tendered by the respondents was that significant developments occurred after the institution of the application, including the continued implementation of the impugned tariff regime and events relied upon to demonstrate exceptional circumstances. Those matters were directly relevant to the prospective enquiry required under section 18(3). The respondents sought to place before the court the factual position as it existed at the time of the hearing rather than at the institution of the proceedings.
- [98] While the delay was substantial and cannot be overlooked, the court a quo considered the explanation, the importance of the issues, the absence of irremediable prejudice to the City, and the interests of justice before granting condonation. Those are precisely the considerations that ought to have informed the exercise of the discretion.
- [99] Equally, the dismissal of the strike-out application cannot be faulted. The material complained of was directed largely at subsequent events relevant to the section 18 enquiry. To the extent that portions of the replying affidavit traversed matters arising after the founding papers had been delivered, they were responsive to the evolving factual matrix and assisted the court in determining whether

exceptional circumstances continued to exist at the time the application was heard.

[100] No misdirection has been demonstrated. The City's challenge to the condonation order and the dismissal of the strike-out application must therefore fail.

Costs

[101] The remaining issue concerns the punitive costs order granted by the court a quo.

[102] It is well established that the question of costs lies within the discretion of the court that hears the matter. An appellate court will not lightly interfere with that discretion unless it is shown that it was not exercised judicially or was materially influenced by an error of law or fact.

[103] The court a quo considered that the City's conduct following the review judgment warranted the grant of attorney-and-client costs. It regarded the continued implementation of the impugned tariff structure, together with the necessity of compelling compliance through urgent litigation, as conduct deserving of judicial censure.

[104] While reasonable minds may differ as to whether a punitive costs order was the only appropriate order, that is not the test on appeal. The question is whether the discretion exercised by the court a quo was vitiated by a material misdirection. We are unable to conclude that it was. The court was entitled to consider the constitutional obligations resting upon an organ of state, the importance of ensuring compliance with judicial orders, and the prejudice occasioned to educational institutions and learners.

[105] Moreover, the litigation raised issues of considerable constitutional importance involving the rule of law, the administration of local government, and the protection of the right to basic education. The court a quo was entitled to conclude that the City's conduct justified a costs order on the attorney-and-client scale to mark the court's disapproval and to ensure that the respondents were

not left out of pocket after being compelled to approach the courts repeatedly to secure the benefit of an order already granted in their favour.

[106] Accordingly, we find no basis to interfere with the costs order made by the court a quo.

Conclusion

[107] The central issue in this appeal is not whether the City has prospects of success before the Supreme Court of Appeal in the main appeal. That question falls exclusively within the jurisdiction of that court. The issue before this court is narrower: whether the respondents established the statutory requirements for execution pending appeal under section 18(3) of the Act and whether the relief granted by the court a quo fell within the permissible limits of that provision.

[108] Section 18 creates a deliberate departure from the ordinary rule that the noting of an appeal suspends the operation and execution of a judgment. The exceptional nature of that remedy requires strict compliance with the statutory requirements. In the present matter, however, the respondents discharged the onus imposed upon them.

[109] The respondents demonstrated exceptional circumstances arising from the continuing practical consequences of the City's implementation of a tariff regime declared unlawful by the review court, the constitutional interests implicated by the dispute, the vulnerability of affected learners, and the need to preserve the effectiveness of the review order pending the determination of the appeal.

[110] The respondents further established that they and the learners affected by the dispute would suffer irreparable harm if execution were refused. The prejudice was not confined to financial consequences but extended to the interruption of educational services and the impairment of constitutional interests that cannot subsequently be remedied through financial compensation. Conversely, the prejudice identified by the City was primarily financial and administrative and could be addressed should the City ultimately succeed before the Supreme Court of Appeal.

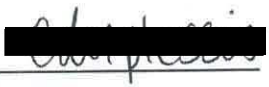
[111] The court a quo therefore correctly exercised the discretion conferred by section 18(3). The City's challenge to the merits of that exercise cannot succeed. The fact that the Supreme Court of Appeal has granted leave to appeal in the main matter does not alter the position. It confirms only that the issues are arguable; it does not establish that execution pending appeal is impermissible where the statutory requirements have otherwise been satisfied.

[112] The appeal accordingly fails in all respects. The respondents are entitled to their costs, including the costs of two counsel.

Order

[113] The following order is made:

- (1) The appeal is dismissed.
- (2) The order of the court a quo is confirmed.
- (3) The respondents are awarded the costs of the appeal, including the costs of two counsel.



WJ DU PLESSIS

**Judge of the High court
Gauteng Division
JOHANNESBURG**



D MAHOSI

**Judge of the High court
Gauteng Division
JOHANNESBURG**


N NDLOKOVANE
Acting Judge of the High court
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Date of Hearing	: 22 July 2026
Date of Judgement	: 4 September 2026