



**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

Case No: 2026-126328

In the matter between:

THE NATIONAL FREEDOM PARTY

APPLICANT

and

**CYNTHIA MBALI SHINGA
RESPONDENT**

FIRST

**THE SPEAKER OF KWAZULU-NATAL PROVINCIAL
LEGISLATURE
RESPONDENT**

SECOND

**ZWELI ZAKWE N.O
RESPONDENT**

THIRD

MUNTU SITHOLE N.O

FOURTH RESPONDENT

**IVAN ROWAN BARNES
RESPONDENT**

FIFTH

ORDER

A

1. That this application be heard as one of urgency in terms of Rule 6(12) of the Uniform Rules of Court, and that condonation be and is hereby granted for the applicant's non-compliance with the forms, time limits and service for in the Rules.
2. Declaring that the interim relief granted by this Honourable Court per Her Ladyship **Justice Siwendu** on 19 June 2026 in this matter has lapsed and is of no further force or effect, the appeal of the first respondent to the National Working Committee of the applicant having been determined on 4 and 5 July 2026.
3. Directing the second respondent to give effect to the applicant's letter dated 6 July 2026 addressed to the second respondent in terms of Section 106 (3)(c) of the Constitution of the Republic of South Africa, 1996, and to do all things necessary to declare vacant the seat held by the first respondent in the KwaZulu-Natal Provincial Legislature.
4. Directing the second respondent to do all things necessary to act in compliance with Rule 14 of the Standing Rules of the KwaZulu-Natal Provincial Legislature, including the publication of, and the swearing in of the next candidate on the applicant's reviewed party list.

5. Directing that the first and second respondents, jointly and severally, the one paying the other to be absolved, to pay costs including the costs of two Counsel where so employed on Scale C.

B.

1. The first respondent's application for declaratory relief with interim relief is struck off roll due to lack of urgency.
2. The first respondent is to pay costs including the costs of two Counsel where so employed on Scale C.

C

1. The first respondent's counter application for an interim relief pending the outcome of the review application is struck off roll due to lack of urgency.
2. The first respondent is to pay costs including the costs of two Counsel where so employed on Scale C.

JUDGMENT

Mngadi J

[1] The applicant seeks an order that an interdict granted against it suspending the expulsion of the first respondent as its member pending the outcome of an internal appeal has fallen away since the appeal has been disposed of. The first respondent opposes the application and, if it is so found, counter applies that she has a right of a further internal appeal and that pending that further appeal or review of the decision to expel her the decision to expel her be suspended. The applicant opposes the counter application. The other cited parties have not taken part in the litigation, the second respondent filing a notice to abide.

[2] The applicant is the National Freedom Party (the NFP), a registered political party and voluntary association capable of suing and being sued in its own name registered in terms of the Electoral Act 73 of 1998. The first respondent is Cynthia Mbali Shinga, an adult female. Bar her expulsion, a member of the applicant nominated by the applicant to and serving as member of the KwaZulu-Natal Legislature and member of the Executive Council for Social Development in the Legislature. The second respondent is the Speaker of the KwaZulu-Natal Provincial Legislature (the Speaker) elected in terms of Section 111(1) of the Constitution of the Republic of South Africa (the Constitution). The third respondent is Zweli Zakwe N.O. a legal practitioner who practices as an advocate of the High Court cited as an interested party for his role in the internal disciplinary process against the first respondent, and no relief is sought against him. The fourth respondent is Muntu Sithole N.O. a legal practitioner practicing as an advocate cited as an interested party in his role in the internal disciplinary process and no relief is sought against him. The fifth respondent is Ivan Barnes an adult male and the President of the NFP.

[3] The first respondent on 3 June 2026 instituted an urgent application seeking an interim relief against the NFP and the Speaker suspending her expulsion as a member of the NFP pending the exhaustion of her internal appeal remedy and review. The NFP opposed the application. On 19 June 2026 the court per **Siwendu J** granted the relief as per the court order referred to hereunder. Pursuant to the court order, the NFP convened its National Executive Committee (NEC) which resolved that the first respondent's appeal would be heard by the National Working Committee (NWC). On 22 June 2026 the first respondent was informed that her appeal would be heard by the NWC on 4 and 5 July 2026.

[4] On 4 July 2026 the first respondent attended the meeting of the NWC. However, she left before the meeting could deal with her appeal. When it was learnt that the first respondent had left, she was advised that since she had left, her appeal would be held on 5 July 2026. On 5 July 2026 at 9h07 the first respondent advised the NWC that she would not attend the appeal hearing due to prior personal commitments.

[5] The NWC resolved to proceed to hear the appeal in the absence of the first respondent. It dealt with the appeal and took a decision to dismiss the appeal and to confirm the first respondent's expulsion. The NFP advised the first respondent and the Speaker of the appeal decision. On 9 July 2026 the Speaker advised the NFP that it had received contradictory accounts from the NFP and the first respondent as to whether a valid appeal had taken place, she could not determine the position with certainty, a certainty that could only be pronounced upon by a court of law, and that she therefore remains interdicted and that *status quo* remains. As a result, the first respondent remained the member of the Provincial Legislature and a member of the Provincial Executive Council creating an untenable position for the NFP.

[6] The first respondent in her answering affidavit as grounds for opposing the application states as follows:

1. She was advised and it is evident that her appeal was dismissed on the basis that she had waived it. She had not waived her appeal. She lodged the appeal through the office of the Secretary General of the NFP. When the matter was heard in court on 19 June 2026, she had already lodged an appeal with NWC against the decision of the third respondent. She in addition attended the appeal hearing on 4 July 2026 but the applicant decided not to entertain her. She was available to attend the appeal hearing on 5 July 2026 after 14H00
2. The NWC was not properly constituted when it took the decision on 5 July 2026. It was loaded with fifth respondent's loyalists. The fifth respondent removed all those persons he viewed as being not in his corner, to wit, Mthembu, Mkhabela, Mhlongo, Thuba and others. The fifth respondent has systematically removed all those people who have expressed support for her stance. As evident from the minutes, the NWC discussions were dominated by persons who were complainants. A person who was a witness in the enquiry one Sibiyi was at the forefront of leading the discussion. The NWC discussions as evident from the minutes were dominated by NEC members whereas the fifth respondent stated in a sworn affidavit that the NEC decided to refer the matter to the third respondent because it did not want to be involved in the matter. Forty-six (46) members attended the NWC on 4 July 2026. Ten of the 46 were not supposed to be

part of the NWC as they were appointed to represent structures of the party instead of being elected by those structures.

3. The NWC as evident from the minutes made no attempt at all to deal with her grounds of appeal and the unlawfulness of the decision taken by the third respondent. The NWC failed to take into account the relevant consideration.
4. The NEC as it had decided not to involve itself in the matter as it would be conflicted, it erred to refer the appeal to the NWC whereas the appeal had been lodged with the NWC. The NWC should have met and take a decision whether it would hear the appeal or it would refer it to the National General Council (GNC).
5. The NWC erred to deal with appeal in the absence of the first respondent. The first respondent after she was advised of the date of the hearing of the appeal requested to be furnished with further information relating to the coming appeal but that was refused. The first respondent was only advised of the venue of the appeal hearing few days before the date of hearing which resulted in the person to represent her at the hearing not being available. The appeal hearing on 4 July 2026 was scheduled to start at 14H00. The first respondent arrived at the venue at 14H15. She was caused to wait and at 16H40 she left after sending a WhatsApp message at 16H23 to which there was no response that it was very cold in the area and what was happening. It was at 17H15 when she received a message enquiring where she was as the NWC was ready to deal with her matter to which she responded that she had left the venue. In the evening on 4 July 2026, she received a letter advising her she was given an extended opportunity to appear before the NWC on 5 July 2026 at 09H00 and the NWC would sit until 11H00. She responded by a WhatsApp message stating that the rescheduling was unilateral and it was not suitable to her she had a preplanned family responsibility/activity. The NWC on same date advised her that they were dealing with the matter, and she would be informed of the final decision. On 6 July 2026 she was advised that the NWC took a decision to expel her from the NFP and she had no further right to appeal.

[7] The first respondent in the counter application, delivered under Uniform Rule 6(7) on 23 July 2026, seeks relief in the following terms:

1. It is declared that the first respondent has a right of appeal to the National General Conference of the applicant.

2. It is declared that the membership of the applicant is extant until such time that she has exhausted her remedy of an appeal to the National General Conference.
3. The applicant's General National Conference is directed to deal with the applicant's appeal when it sits in terms of the applicant's Constitution.
4. *ALTERNATIVELY*, to paragraphs 1, 2 and 3 above, that pending the final determination of the review application: 4.1 the decision of the applicant to expel the first respondent as a member is suspended; 4.2 the second respondent is directed not to give effect to the decision to expel the applicant and/or remove her as a member of the KwaZulu-Natal Provincial Legislature.
5. The applicant is directed to pay the costs of the counter-application and such costs to include the costs of employment of two Counsel jointly with any other respondent who opposes this counter application.'

[8] The first respondent in support of her contention that she has a further right of appeal refers to the provisions of the Constitution of the NFP. She says that it provides that a member who is dissatisfied with the decision of the District Tribunal may appeal to the Provincial Executive Committee and subsequently to the National Executive Committee, and the final arbiter shall be the National Council. She refers to Clause 4.2.14.3 which states that the General Conference shall have the functions and powers to overturn any decision made by any structure or office bearer within the NFP including decisions made by the NEC and NWC as well as decisions made by the autonomous structure of the NFP. Clause 3.6.1.3 provides that the membership of the party shall end when a member is expelled from the party after the finalization of a disciplinary hearing and all subsequent appeals.

[9] The applicant in the opposing/replying to affidavit states as follows. **Firstly**, the Speaker in terms of Rule 14 of the Standing Rules of the KwaZulu-Natal Provincial Legislature and section 106(3)(c) of the Constitution is obliged once the political party has notified her that a member no longer represents the political party to carry out the removal of the particular member from being a member of the provincial legislature. It is not for the Speaker to adjudicate the fairness or lawfulness of the process or decision to terminate the membership of the member by the party. The said issues are for a review court. **Secondly**, the order of **Siwendu J** referred to an appeal either by the National

Working Committee or the General Council as the NFP could determine. The NEC as provided in the Constitution of the NFP directed that the appeal be dealt with by the NWC. **Thirdly**, in terms of clause 15.11.13 a member holding office at District, Provincial or National level shall be brought before the Disciplinary Tribunal constituted by the National Executive Committee. In terms of clause 5.2.6.2 (j) the NEC is empowered, subject to the Constitution, to take decisions binding on all Party structures concerning, amongst other things, membership and discipline. Clause 15.11.13 provides: Members who hold office from the level of the District, Province and National levels shall be brought before the Disciplinary Tribunal constituted by the National Executive committee. They can only appeal to the National Working Committee.’ The General National Conference is not an appeal body and there is no procedure in the Constitution regulating referring to and dealing of appeals by the General National Conference. **Fourthly**, the first respondent between 22 June 2026 and 4 July 2026 did not indicate that the dates set for the appeal hearing were not suitable to her. On 4 July 2026, having attended the venue for the appeal hearing, she was asked to wait but left on her own without notifying or seeking leave to leave. She failed to attend on 5 July 2026 a date prior arranged with her citing prior commitments. She thus waived her right to prosecute her appeal before the NWC. Nevertheless, the NWC considered the report and the findings of the disciplinary hearing. It found that the finding of guilty and the sanction imposed were appropriate and lawful as evident from the record of the proceedings. **Fifthly**, Clause 5.1.1 provides that the NWC shall consist of no more than 100 members constituted as follows. Seventeen (17) members of the NEC, forty (40) members elected directly at the Elective National Conference, twenty(20) members appointed by the President of the Party, all Chairpersons of the Provincial Executive Committee, the National Secretary of the Women’s Movement and five (5) additional members of the Women’s Movement, the National Secretary of the Youth Movement and five (5) additional members of the Youth Movement, and the National Secretary of the Student’s Movement and one (1) additional member of the Student’s Movement. The Constitution does not limit additional members to elected members, they may be nominated. The NWC takes decisions by the majority of those in attendance. The NWC at the relevant time had 57 members.

[10] The applicant contends that the application is urgent because the Speaker, despite it having determined the first respondent's appeal which has the effect that the interdictory relief in **Siwendu J's** order falls away, contends that she remains interdicted in terms of the **Siwendu J** order. The first respondent's response is that since the applicant either did not deal with her appeal or did not deal with her appeal properly there is urgency in the matter. The issue, in my view, is whether **Siwendu J's** order was complied with or not. Before **Siwendu J** it was the first respondent who contended that whether her expulsion from the NFP could be put into effect or not was an urgent matter between her, the applicant and the Speaker. This issue of urgency flows from the issues creating urgency before **Siwendu J**. The issue is akin to contempt of court proceedings by the alleged failure to comply with a court order which proceedings are generally regarded as urgent. The dispute results in the NFP finding itself in an untenable position. The first respondent occupies her position by virtue of her membership of the NFP. The NFP, the members of the NFP and the persons who voted for it are entitled at all times to have public representatives properly mandated to represent them. Therefore, I find that the application is urgent.

[11] The starting point is to look at the order of **Siwendu J's** order. It states as follows: It is ordered:

1. The application is hereby heard as an urgent application within the meaning of Rule 6(12) and that any non-compliance within the forms and service of or the full -time limits set out in the Rules be and is hereby condoned.

2. That pending the determination of the appeal by the National Working Committee, *alternatively*, the General National Conference of the National Freedom Party, which the NFP may determine as it deems fit, the following orders are made:

2.1 the second respondent is interdicted from giving effect to NFP's letter purporting to remove the applicant as the member of the first respondent in the KwaZulu-Natal Legislature;

2.2 the second respondent is further interdicted from performing any act which will have the effect of removing the applicant as a member of the first respondent its sole member in the KwaZulu-Natal Provincial Legislature;

2.3 the decision of the third respondent be and is hereby suspended;

2.4 in the event of the second respondent having acted on the request of the first respondent, the second respondent is directed to restore the *status quo ante* and reverse any action calculated to remove the applicant as the sole member of the first respondent in the Legislature.

3. That if the National Working Committee, *alternatively*, the General National Conference of the National Freedom Party does not entertain the appeal by applicant, then and in that event, the following orders shall be made:

3.1 That, pending the determination of the applicant's review application to be brought by the applicant within 15 days of the date of this order, *alternatively*, the date when the NFP signifies its intention not to entertain the applicant's appeal to the NWC or the NGC as the case may be:

3.1.1 the second respondent is interdicted from removing the applicant as a member of the first respondent and its sole member in the KwaZulu-Natal Provincial Legislature;

3.1.2 the decision of the third respondent be and is hereby suspended;

3.1.3 in the event of the second respondent having acted on the request of the first respondent, she is directed to reverse the decision to remove the applicant as the sole member of the first respondent in the Legislature.

4. The costs of the application shall be reserved for determination in the at the instance of any party (on such papers as may be supplemented) *alternatively*, in the review contemplated in paragraph 3 above.

[12] The court order is construed in the same way as any other document; according to the language used, read in context and having regard to the apparent purpose to which it is directed (*Natal Joint Municipal Pension Fund v Endumeni Municipality* 2012 (4) SA 593 (SCA) at [18]). The meaning of the court order is common cause between the parties. It is para 2 of the order that is determinative of the dispute between the parties. Compliance with paragraph 2 rendered the other paragraphs inapplicable. Paragraph 2 provides that the sub-paragraphs thereof were effective pending determination of the appeal by the NWC or the General National Council. The sub-paragraphs were temporary and conditional. They were only of effect as long as the determination of the appeal was pending. Its disposal resulted in the sub-paragraphs automatically falling away. The rest of the terms of court order, to wit, paras 3 it never kicked in, if para 2 kicked in, as they were alternative to para 2. The first respondent's case is not that para 2 of the

order never kicked in. Her contention is that the determination of her appeal as envisaged in para 2 was flawed.

[13] The first respondent admits that the NWC of the NFP was convened for it to deal with her internal appeal. It convened and it took the decision. The issue of whether it was properly convened; whether the members that attended some of whom were not supposed to attend it; whether it acted correctly to proceed to deal with her appeal; whether it deliberated correctly on the issue; etc are issues for decision of the review court. The Speaker acknowledged that she was advised by the NFP that it had dealt with the first respondent's appeal as ordered by **Siwendu J** and dismissed the appeal and it confirmed the expulsion of the first respondent as the member of the NFP. She also confirmed that the first respondent confirmed that the appeal hearing was convened, and she confirmed the decision taken at the appeal hearing. The order of **Siwendu J** paragraph 2 granted an interim interdict pending the determination of the appeal by the NWC or the General National Conference. The determination of the appeal meant that the interdictory relief fell away. The Speaker misdirected herself to regard herself interdicted in terms of interdictory that had fallen away. The issue of whether it is the NEC that referred the appeal to the NWC, and whether it was correct for the NEC to do so, is of no moment because the appeal as per **Siwendu J's** order was heard by the NWC. The NWC was composed of serving members of the NWC who were known to the first respondent and no objection was raised by the first respondent to the appointment of any of them as member of the NWC or to the participation of any member of the NWC in the appeal hearing. The NWC takes decisions by the majority of those present, if the quorum requirement has been met, which is understandable for a body of that size. If for any decision it is required that all members of the NWC must agree, the body will be unable to function. The NWC took decisions by the majority vote. It is not enough to suggest that some of the members might have been biased against the first respondent. It needs to be shown that the NWC as a body was biased against the first respondent, which has not been shown.

[14] The first respondent seeks a declarator that she has a right to a further appeal to the National General Conference. She relies on the clauses in the Constitution of the

NFP. The applicant contends that the first respondent has no right of further appeal. It is not explained why the first respondent before **Siwendu J** did not seek to protect her alleged right to a further appeal, in particular, because she contends that in terms of the Constitution of the NFP she remains a member until her expulsion is confirmed by the General National Conference.

[15] The applicant contends that the first respondent has exhausted her internal appeal remedies. The Constitution of the NFP has no provisions regulating processing of appeals by the General National Conference. It has no provision that a member has a right to appeal to the General National Conference and how such appeals and within what time frames must be lodged and processed. This indicates that although the General National Conference can revisit and reconsider any decision taken by an officer or structure of the Party, it is at the discretion of the General National Conference to do so. There is no right of appeal to the General National Conference.

[16] The clause that provides that a member that has been expelled remains a member until he or she has exhausted all internal appeal processes refers to instances where the member has a right of appeal and has not made an appeal. The court cannot grant to a member a right of appeal that is not found in the constitution and prescripts of the voluntary association in the name of fairness and/or justice. The court has a discretion whether to grant declaratory relief or not. It is accepted that the main application and the counter application can be adjudicated *pari passu*, but that does not relieve the party seeking relief in the counter application to establish the necessary requirements for the relief sought including urgency, if brought as an urgent application. See *Graham & Another v Law Society, Northern Provinces & Others* 2016 (1) SA 279 (GP) para 38; *Marais v Melck* [2025] 1 All SA 422 (WCC) at para 51; *Truter v Degenaar* 1990 (1) SA 206(T). The first respondent seeks declaratory relief without explaining why the sought relief was not sought before **Siwendu J**. In addition, the first respondent seeks declaratory relief to undermine the relief she obtained before **Siwendu J** because the internal appeal was decided against her. The first respondent by implication before **Siwendu J** effectively abandoned the right to claim interim relief pending the decision of an appeal by the General National Conference. These are

strong factors indicating that the court's discretion to grant the declaratory relief be exercised against the first respondent. In *Absa Bank Ltd v Naude NO and Others* 2016 (6) SA 540 (SCA) it was held that a counter application, in truth, which is a defence to the main application the court should decline to deal with it. The first respondent seeks the declaratory as a back door appeal to the order of **Siwendu J** and to avoid the consequences of that order, which should not be allowed (*LexisNexis South Africa (Pty) Ltd v Minister of Justice and Constitutional Development* [2025] ZASCA 181; 2026 (3) SA 71 (SCA) at [22].) It is found that the declaratory relief sought by the first respondent is not related to the order of **Siwendu J** and no urgency has been established relating to that relief. It is correct as argued by the applicant that the first respondent seeks the declaratory relief as a final relief. She, however, has not stated how she has met the requirements of a final relief, particularly, in an urgent application. The application for declaratory relief is struck off roll due to lack of urgency.

[17] The first respondent was informed that the appeal was to be heard by the NWC as she requested before **Siwendu J**. She did not indicate before the hearing of the appeal her objection to the appeal being heard by the NWC. She too, as a senior member of the NFP and member of the NEC knew the composition of the NWC and who were members of the NWC but did not raise any objection to the composition of the NWC and to any members of the NWC attending and taking part in the appeal hearing. The first respondent did not exercise her right to attend the appeal hearing and to make her input. There is no indication that the NWC did not consider the material that was before the NWC. The first respondent admits that the appeal decision was taken by the majority of the NWC that attended the hearing. The first respondent had legal representation before **Siwendu J**, if prior to the appeal hearing, there were indications that her appeal would not be dealt with properly, she could have interdicted the proposed appeal hearing until her concerns were addressed.

[18] The first respondent to succeed with an interim interdict pending the review must show an existence of clear right or a *prima facie* right though open to some doubt. The *prima facie* right is constituted by the existence of reasonable prospects in the review. The court has to evaluate the prospects of success in the review application. If there

are such prospects of success the Court has a discretion whether to grant interim relief in the form of a prohibitory interdict (*Ladychin Investments (Pty) Ltd v South African National Roads Agency Ltd and Others* 2001 (3) SA 344 (N) at 357C-D). The other requirements in cases of interim relief are reasonable apprehension of harm or actual harm, balance of convenience and absence of alternative relief. The first respondent contends that she has in terms of the Constitution the right to have fair administrative action which is lawful, reasonable and procedurally fair. She fails to state that her *prima facie* would be established by an indication that there has been an infringement of her right to an administrative action that is lawful, reasonable and procedurally fair.

[19] The first respondent contends that reasonable apprehension of harm is constituted by the threat to remove her as a member of the Provincial Legislature. It would be harm if her removal based on her expulsion as member of the NFP is likely to be found to be as a result of an unlawful expulsion. The first respondent contends that she has good prospects of success in the application for review. The first respondent at the hearing confirmed that she had just issued the review application. The applicant had not answered the review application. As a result, it shall not be proper to deal with the grounds of review as set out in the review application. The grounds of review as set out in the first respondents' answering affidavit have been referred to. I shall refrain from expressing a firm view on the grounds of review stated by the first respondent except to say that taken with the applicant's response, in my view, it has not been shown that the first respondent has reasonable prospects of success on review of the NWC appeal decision. This finding has the effect that the first respondent has not shown on the preponderance of probabilities the existence of a *prima facie* right although subject to some doubt, let alone a clear right. This makes it unnecessary to consider whether the other requirements of interim interdict have been established.

[20] The Speaker has clear statutory duties. It is not for the Speaker to be satisfied that the appeal was determined in a fair process or not, nor to determine whether the result of the appeal was fair or not. Once she has been notified and verified that as per the court order the tribunal appeal convened and took the appeal decision, she is obliged to accept those facts and advise the party contending otherwise to seek an

appropriate remedy from the court. She acted contrary to her statutory duties which resulted in the applicant instituting these court proceedings. She involved herself in a dispute she was not party to siding with the first respondent contrary to her statutory and Constitutional obligations. The Speaker by her decision flouts the order made by **Siwendu J** in that her decision has the effect of extending that order beyond its terms. She placed the applicant a political party in a situation where it could be undermined by its members. This is likely to create chaos in the affairs of political parties and promote ill-discipline. Fortunately for the Speaker, the applicant did not seek a punitive costs order against her. In *Economic Freedom Fighters v Gordhan and Others; Public Protector and Another v Gordhan* 2020 (6) SA 325 (CC) at [106-7] the court held the decision taken in the exercise of power stands and has legal effect until the court reviews and sets it aside.

[21] In the result, the main application succeeds with costs. Both counter applications fall to be struck off roll due lack of urgency. The first respondent to pays costs in respect of each counter application.

[22] It is ordered as follows:

A

1. That this application be heard as one of urgency in terms of Rule 6(12) of the Uniform Rules of Court, and that condonation be and is hereby granted for the applicant's non-compliance with the forms, time limits and service for in the Rules.
2. Declaring that the interim relief granted by this Honourable Court per Her Ladyship **Justice Siwendu** on 19 June 2026 in this matter has lapsed and is of no further force or effect, the appeal of the first respondent to the National Working Committee of the applicant having been determined on 4 and 5 July 2026.

3. Directing the second respondent to give effect to the applicant's letter dated 6 July 2026 addressed to the second respondent in terms of Section 106 (3)(c) of the Constitution of the Republic of South Africa, 1996, and to do all things necessary to declare vacant the seat held by the first respondent in the KwaZulu-Natal Provincial Legislature.
4. Directing the second respondent to do all things necessary to act in compliance with Rule 14 of the Standing Rules of the KwaZulu-Natal Provincial Legislature, including the publication of, and the swearing in of the next candidate on the applicant's reviewed party list.
5. Directing that the first and second respondents, jointly and severally, the one paying the other to be absolved, including the costs of two Counsel where so employed on Scale C.

B.

1. The first respondent's counter application for declaratory relief with interim relief is struck off toll roll due to lack of urgency.
2. The first respondent is to pay costs including the costs of two Counsel where so employed on Scale C.

C.

1. The first respondent's counter application for an interim relief pending the outcome of the review application is struck off roll due to lack of urgency.
2. The first respondent is to pay costs including the costs of two Counsel where so employed on Scale C.

APPEARANCES

For the applicant	:	Indhrasen Pillay SC with Zuleka Rasool
Instructed	:	AP Shangase Attorneys c/o Themba Mkhize Attorneys PIETERMARITZBURG
For the first respondent	:	T G Madonsela SC With W S Kuboni
Instructed by	:	Sthembiso Mbhele & Associates Inc. c/o Naidoo & Co. Attorneys PIETERMARITZBURG
Second Respondent's attorneys	:	Garlicke & Bousfield Attorneys c/o Stowell & Co. PIETERMARITZBURG
Third Respondent	:	Zweli Zakwe N.O Maisels Chambers

SANDTON

Fourth Respondent : Muntu Sithole N. O
Duma Ndlovu Group of Advocates
SANDTON

Fifth Respondent : c/o Shangase Attorneys
UMHLANGA

Heard on : 9 September 2026

Judgment delivered on : 15 September 2026