

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case Number: 185110/2026

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

9 September 2026

DATE

SIGNATURE

In the matter between:

MARUMO GALLANT FC

Applicant

AND

NATIONAL SOCCER LEAGUE

First Respondent

ANDILE JALI

Second Respondent

MUSA NYATAMA

Third Respondent

JUDGMENT

Mia, J

Introduction

[1] The applicant seeks an interim interdict restraining the first respondent, the National Soccer League, from deducting amounts from its monthly grants and paying those amounts to the second and third respondents, pending the finalisation of review proceedings under case number

085426/2026 and the alleged appeals before the South African Football Association ("SAFA"). The application is opposed by the second and third respondents. The first respondent does not oppose.

Applicable law

- [2] Rule 6(12)(b) requires an applicant to set out explicitly both the circumstances rendering the matter urgent and the reasons why substantial redress cannot be obtained at a hearing in due course. In *East Rock Trading 7 (Pty) Ltd v Eagle Valley Granite (Pty) Ltd*,¹ the enquiry is not confined to whether the applicant may suffer harm before a hearing in due course. The guiding consideration is whether substantial and effective redress will be unavailable in due course.

Enrolment

- [3] As a matter of procedure, the application was timeously enrolled. Compliance with the Thursday-for-Tuesday enrolment timetable does not, however, establish substantive urgency. The applicant is required to make out its case regarding urgency having regard to principles set out in *East Rock*.

Analysis

- [4] The objective reason for the alleged urgency is found in the first respondent's letters of 11 and 12 June 2026. Those letters required the applicant to provide proof of payment by 30 June 2026, failing which deductions would be made from its grants. The applicant avers it requires the grant for its operational requirements. The applicant was therefore aware of the threatened deductions by no later than 12 June 2026 and seeks to protect its grants pertaining to its operation.
- [5] The history related to the payments due to the second and third respondents predates those letters. The applicant knew in February 2026 that SAFA regarded its appeals as non-compliant. My

¹[2011] ZAGPJHC 196.

understanding of the correspondence is not that SAFA had made the decision but that the applicant has not complied with the application process and in the absence thereof the appeal had lapsed. The applicant may well be able to request condonation for the late filing but in the absence of it doing so, SAFA regarded the appeal as having lapsed. The applicant instituted the review on 15 April 2026 but did not seek interim relief. It only launched its first urgent interdict application on 23 June 2026.

- [6] That application was dismissed on 23 July 2026 because the applicant had not established the requisite capacity to institute the application. The judgment came to the applicant's attention on 24 July 2026. It consulted its attorneys and authorised fresh proceedings on 27 July 2026. The new papers were signed on 28 July 2026 and filed on 31 July 2026. The applicant acted promptly after the dismissal, but that dismissal did not create a new underlying cause of urgency. The present application merely cured the defect in the earlier proceedings. The enforcement risk remained the risk which the applicant had been aware of since June 2026, and importantly earlier than that date when it became aware of the looming threat of deductions from its grants in February 2026.

- [7] The applicant anticipates a deduction will be made on 25 August 2026. The June deadline passed without a deduction. No deduction was made during July. The assertion that the dismissal of the first application "paved the way" for a deduction on 25 August 2026 is an inference, unsupported by a subsequent demand or confirmation from the first respondent.

- [8] The applicant alleges that the grant is required to pay salaries and meet the expenses necessary to honour fixtures. It further alleges that the second and third respondents are unemployed, have no executable assets and will dissipate the money. These are material assertions, but they are unsupported by financial statements, payroll records, cash-flow evidence, fixture expenses or evidence concerning the respondents'

means. The allegation that the respondents will spend the money and will be unable to repay it is speculative.

- [9] The prejudice alleged is essentially financial. The applicant has not shown that any loss cannot be addressed through repayment, restitution or damages if the review ultimately succeeds. It may also prosecute the pending review on an expedited basis or seek properly formulated preservation or suspension relief on evidence demonstrating an imminent deduction and an inability to recover the money. The founding papers do not explain why these remedies would not afford substantial redress.

- [10] The measured procedural timetable adopted by the applicant ensured that the respondents had a reasonable opportunity to answer. That does not overcome the absence of substantive urgency. The applicant has not demonstrated that it will be unable to obtain substantial redress at a hearing in due course. To the extent that urgency now exists, it results substantially from the applicant's failure to seek interim relief when the review was instituted and its delay in acting on a risk known for several months.

- [11] The application therefore does not satisfy Rule 6(12)(b) and falls to be struck from the urgent roll. It is consequently unnecessary, and inappropriate, to determine the merits of the application for interim interdictory relief.

- [12] The second and third respondents have successfully opposed the urgent enrolment and are entitled to their costs. I am not persuaded that a punitive costs order is warranted merely because the present proceedings cured the authority defect in the first application.

Order

1. The application is struck from the urgent roll for lack of urgency.

2. The applicant is ordered to pay the costs of the second and third respondents on a party and party scale B.

_____  _____
S C MIA
JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION JOHANNESBURG

Appearances:

On behalf of the applicant : Mr L E Thobejane
: leruma@bothamassyn.co.za

Instructed by : Botha Massyn & Thobejane Attorneys
: leruma@bothamassyn.co.za

On behalf of the respondents : Adv K L Klopper
: heike@bdplaw.co.za

Instructed by : Brink de Beer & Potgieter Inc
: heike@bdplaw.co.za

Date of hearing : 26 August 2026

Date of judgment : 9 September 2026