

**IN THE HIGH COURT OF SOUTH AFRICA
EASTERN CAPE LOCAL DIVISION, BHISHO**

CASE NO: 379/12

In the matter between:

ERNEST BULELANI ELEFU

Applicant

and

**LOVEDALE PUBLIC FURTHER EDUCATION
AND TRAINING COLLEGE**

First Respondent

**MINISTER OF HIGHER EDUCATION
AND TRAINING**

Second Respondent

**MEMBER OF THE EXECUTIVE COUNCIL
FOR THE DEPARTMENT OF EDUCATION
EASTERN CAPE PROVINCE**

Third Respondent

JUDGMENT

STRETCH J:

1. This is an application for the rescission of an order issued out of this court on 16 August 2012. For ease of reference I shall refer to the parties in the rescission application as follows:
 - a. The applicant will be referred to as Mr Elefu.

- b. The first respondent will be referred to as Lovedale College (being a public further education and training institution).
 - c. The second respondent will be referred to as the Minister (being the Minister of Higher Education and Training).
 - d. The third respondent will be referred to as the MEC (being the member of the executive council for the department of education in the Eastern Cape).
2. Lovedale College is the only party opposing the application for rescission.
 3. On 16 August 2012 Lovedale College brought an application in the High Court sitting at Bhisho, under case no. 379/12. The respondents cited were the Minister as first respondent, the MEC as second respondent and Mr Elefu as the third respondent.
 4. The notice of motion in terms of which the order (now sought to be rescinded) was granted, reads as follows:

‘KINDLY TAKE NOTICE that on 16th August 2012 at 11h00 or so soon thereafter as the matter may be heard, the applicant will make an application before this Honourable Court for an order in the following terms:

 1. Condoning and dispensing with the normal forms and service for the hearing of an application as set down in the rules of this Honourable Court and directing that this matter be enrolled and heard as one of urgency in terms of Rule 6(12) of the rules of this Honourable Court.
 2. That a *Rule Nisi* do hereby issue calling upon the respondents to show cause on the 13th September 2012 why an order in the following terms should not be made final:
 - 2.1 directing the first respondent with immediate effect to remove the second respondent from the payroll system for and on behalf of the employees of Lovedale FET College;

- 2.2 interdicting the first respondent from paying any salary and/or any amount as remuneration to the second respondent purportedly in terms of the employment relationship between the second respondent and the applicant;
- 2.3 the first respondent to pay the costs of the application.
- 3. That paragraph 2.1 and 2.2 shall operate as an interim order pending the finalization of this application.
- 4. Further and/or alternative relief.'

5. On that day the then acting deputy judge president granted a final order which reads as follows:

'Having heard Adv. Nyangiwe, Counsel for the Applicant and Adv. Ntsaluba, Counsel for the 1st & 2nd Respondents and having read the documents filed of record.

IT IS ORDERED THAT:

- 1. The Applicant's failure to comply with the rules of this Court is condoned and this matter is allowed to be enrolled and heard as one of urgency in terms of **Rule 6(12)** of this Court's rules;
 - 2. The Second Respondent is directed forthwith to remove the Third Respondent from the payroll system for and on behalf of employees of **Lovedale Further Education and Training College**;
 - 3. The Second Respondent is interdicted from paying any salary and/or any amount as remuneration or emoluments to the Third Respondent purportedly in terms of an employment relationship between the Third Respondent and the Applicant; and
 - 4. The Second Respondent is to pay the Applicant's costs of the application.'
6. On 25 July 2013 Mr Elefu issued an application for this order to be rescinded. He also seeks the following relief:
- a. That all other process issued after and/or on the strength of the said "judgment" be set aside;

- b. Directing the Minister to re-instate him on the payroll system for and on behalf of the employees of Lovedale College;
 - c. Directing the Minister to pay his salary and/or remuneration for the period September 2012 to July 2013, which he allegedly did not receive as a result of the aforesaid order (which he claims to have been granted in error);
 - d. Directing Lovedale College to pay his costs.

- 7. Mr Elefu purports to seek rescission either in terms of rule 42(1)(a) of the uniform rules of this court (in that the impugned order was erroneously sought or granted in his absence); alternatively, in terms of the common law in that there is sufficient cause to rescind the judgment.

- 8. His grounds for seeking rescission are the following:
 - a. The application was not served on him personally which resulted in him not receiving it “on time”.
 - b. He did however serve a notice of intention to oppose on Lovedale College’s attorneys on 13 August 2012 which was filed with the registrar on 14 August 2012.
 - c. A final order was granted in his absence on 16 August 2012, despite the fact that Lovedale College’s notice of motion purported to notify Mr Elefu, the Minister and the MEC that Lovedale College intended applying on 16 August 2012 at 11h00 or as soon thereafter as the matter could be heard, that a *rule nisi* be issued, calling upon Elefu, the Minister and the MEC to show cause on 13 September 2012 why the order (which was granted on 16 August 2012 and which is the subject of this rescission application), should not be made final.
 - d. The order was granted in his absence despite the fact that he had a substantial interest in the outcome of the matter.

- e. The notice of motion reflected that the application would be moved at 11h00, however when Mr Elefu arrived at court at 10h15 the order had already been granted.
- f. He has good prospects of success in the main application in that:
 - i. The application brought by Lovedale College was fraudulent and without merit, smacked of collusion and was brought to evade a fair internal disciplinary process.
 - ii. Lovedale College dishonestly stated in its founding affidavit that the college council had “turned down” Mr Elefu’s appeal on 30 April 2012 and had approved the immediate termination of his services on 2 May 2012.
 - iii. Council members delivered affidavits confirming that they did not endorse, sanction or instruct the appointment of an appeal authority to determine Mr Elefu’s appeal, nor did the college council approve, sanction or confirm his dismissal.
 - iv. Minutes were submitted to confirm that the council only convened on 14 May 2012 when they were informed that Elefu’s dismissal was a *fait accompli*.
 - v. Lovedale College flouted internal processes, cheated its way through the system to secure a fraudulent dismissal and submitted false information to obtain the order sought to be rescinded.
 - vi. In its replying papers Lovedale College produced an irrelevant, premature and deceitful arbitration award which failed to contradict the evidence set forth in Elefu’s answering papers. The reason why the arbitration award is irrelevant is because the rescission application is confined to the events of 16 August 2012, where the Court erred in not hearing from Mr Elefu as the affected person and accordingly “accidentally” endorsed a

fraudulent dismissal and enforced a non-existent council resolution.

vii. It cannot be argued that the matter is *res iudicata* as no other competent court has dealt with the rescission application.

9. Lovedale College has opposed the application for rescission. In so doing, it has raised three points *in limine*:

- a. Mr Elefu has not sought condonation, and has provided no reasons to justify condonation being granted for him having brought this application just short of a year after the order was granted.
- b. Although Mr Elefu has stated that no relief is being sought against the Minister and the MEC, he specifically prays that the Minister be directed to reinstate him on the payroll (on this point Mr Elefu in argument before me elected and rightly so, to abandon his prayers for reinstatement on the payroll and for back-pay for the period September 2012 to July 2013).
- c. Mr Elefu has failed to mention that, subsequent to his appeal having been dismissed, he referred the same matter to the bargaining council and raised identical arguments which were rejected and his dismissal was confirmed.

10. On the merits of the application itself, it has been contended on Lovedale College's behalf that the following points which it has raised were not disputed by Mr Elefu in reply:

- a. That he was served with charges of misconduct on 5 December 2011.
- b. That he was found guilty, and that the delay in removing his name from the payroll was occasioned by administrative bungling by the province's department of education. Payment of money to an

individual who is not contractually obligated to render services to Lovedale College is fruitless and wasteful expenditure.

- c. Elefu was represented by the union NEHAWU at all times. In his notice of opposition he appointed the address of the NEHAWU regional office for service of all process and documents. There was accordingly no need to serve documentation on him personally.
- d. The order sought and granted which forms the subject matter of this rescission application related only to the failure on the part of the MEC to remove Mr Elefu's name from the payroll and did not involve Mr Elefu in any way. That being the position, his absence or his presence at court on the day on which the application for the issue of a rule *nisi* was sought on the papers and final relief was granted, was in any event immaterial.
- e. Mr Elefu did not take the dismissal of his appeal any further, nor for that matter the bargaining council's ruling against him. Accordingly he had no right to remain on the payroll, and the order granted by agreement amongst Lovedale College, the MEC and the Minister, was neither sought nor granted in error.
- f. The correctness of Mr Elefu's dismissal was fully aired during the disciplinary hearing, on appeal from the disciplinary hearing and in the bargaining forum.
- g. The disciplinary code was adopted by Lovedale College's council and was properly signed.
- h. Arguments now raised relating to the code of conduct were previously raised before the bargaining council with no success. From this it is clear that Mr Elefu was afforded a hearing *de novo* and that his case was rejected on three occasions.
- i. The affidavits of the council members put up by Mr Elefu are irrelevant as approval or endorsement from them is not required in

terms of the disciplinary code. The decision of the presiding officer is final.

11. For the reasons which will follow, I do not deem it necessary to traverse the position in terms of both the applicable rule and in terms of the common law. Mr Elefu's application falls squarely within the ambit of rule 42(1)(a) which reads as follows:

‘The court may, in addition to any other powers it may have, *mero motu* or upon the application of any party affected, rescind or vary an order or judgment erroneously sought or erroneously granted in the absence of any party affected thereby.’

12. In exercising my discretion I accordingly elect to deal with this application for rescission under the aforementioned subrule (see *Tshivhase Royal Council v Tshivhase* 1992 (4) SA 852 (A) at 862J-863A).
13. In determining whether Mr Elefu has made out a case for rescission, I shall deal firstly with the points raised *in limine* by counsel representing Lovedale College.

Delay and the absence of an application for condonation

14. An application for rescission in terms of rule 42 does not have to be accompanied by an application for condonation. As for the delay in bringing the application, it would in my view, be a proper exercise of my discretion to say for example, that even if Mr Elefu succeeds in proving that subrule (1) applies, he should not be heard to complain after the lapse of a reasonable period of time (see *Firestone South Africa (Pty) Ltd v Gentiruco AG* 1977 (4) SA 298 (A) at 306H). However, what is deemed to

be a reasonable period of time differs from case to case (see *Roopnarain v Kamalapathy* 1971 (3) SA 378 (D)). Lovedale College in its answering papers has averred that Elefu has conspicuously failed to provide any detail as to what “immediate steps” he took since August 2012 to pursue this application. This is not correct. Mr Elefu states in his founding affidavit that once he had been advised by the union appointed attorneys that a final order had been granted, he immediately took the necessary steps to institute the present application *in forma pauperis*, after NEHAWU had refused to assist him financially with his impending legal costs. He denies having unduly delayed the institution of this application. In amplification of this denial he alleges (and given the nature of the relief that was granted against him this is quite probable) that he has had no income since the order was granted on 16 August 2012, but that he nevertheless took all the necessary steps at his disposal to institute this application in the face of the lengthy procedures admittedly involved in the launching of such an application in terms of rule 40 of the uniform rules. Three pages of his replying affidavit are devoted to the aspect of delay and in my view his explanation is reasonable. I am satisfied in the circumstances that Mr Elefu has not unduly delayed the launching of this application.

The nature of the relief sought

15. Mr Elefu has cited three respondents in his application for rescission. The relief which he seeks is succinctly and clearly set forth in his notice of motion. It has not been contended that the application papers were not served on all the respondents. On the contrary, the Minister delivered a notice of opposition on 22 August 2013, and the MEC delivered a notice to abide the decision of this court on 19 August 2013. Both the Minister and

the MEC are represented by the State Attorney. In my view the Minister's notice of opposition is at the very least *prima facie* proof that the respondents were very much alive to the probability that Mr Elefu's proposed motion is what it says in his notice of motion.

16. It will in any event become apparent from what I say hereinafter, that the order which I intend making is founded upon whether the rules of this court were adhered to when the application sought to be rescinded was brought and not on the merits of the application itself.
17. Accordingly the second point raised *in limine* must also fail.

Referral to the bargaining council and *res iudicata*

18. It has been contended on Lovedale College's behalf that Mr Elefu has not disclosed in his application that an arbitration award found his dismissal to have been fair, and that the *exceptio rei iudicatae* accordingly applies to this application for rescission.
19. In my view this contention too, is misplaced. The exception is based on the irrebuttable presumption that a final judgment on *a claim submitted* (my emphasis) to a competent court is correct. The presumption is founded on public policy, which requires that litigation should not be endless. The presumption is likewise founded on the requirement of *bona fides*, which does not allow for the same thing to be demanded over and over again (see *African Farms & Townships v Cape Town Municipality* 1963 (2) SA 555 (A) at 564; *Wright v Westelike Provinsie Kelders Bpk* 2001 (4) SA 1165 (C)), and that a party with one cause of action must

claim all the remedies available to it in terms of that cause of action in one single action so as to avoid a piecemeal approach to litigation (see *Custom Credit Corporation (Pty) Ltd v Shembe* 1972 (3) SA 462 (A) at 472).

20. The claim submitted (as a result of which the order sought to be rescinded was granted) was not submitted by Mr Elefu, being the applicant herein. Accordingly, he cannot be criticised of having demanded the same thing more than once in that application. Indeed, the party making the demand in that application was not Mr Elefu at all. Mr Elefu was called upon to respond to the demand.
21. Rule 42 applies to this application. Whether or not there are proceedings pending in another forum are irrelevant. And, as I have said, it is not for the applicants who instituted proceedings against Mr Elefu to now claim *res iudicata* when he seeks to have those proceedings set aside. On the contrary, the doctrine may well have been an appropriate one for Elefu to have raised on 16 August 2012 or on the return date of the rule, but of course, he was never afforded the opportunity to do so.

The merits of the application in terms of which relief was granted on 16 August 2012

22. Both Mr Elefu and counsel representing Lovedale College have made a number of submissions against and for the prospects of success of the application brought on 16 August 2012.
23. It is so that the court's discretion under the common law to rescind or vary any orders or judgments, extends beyond the grounds provided for in rule

42 (within the ambit of which this application clearly falls) and in rule 31 (dealing with the setting aside of judgments or orders where the affected party has defaulted by failing to appear). Under the common law the party seeking the rescission of an order must show sufficient cause. Sufficient cause in this context, generally speaking, has the same content as that required in terms of the provisions of rule 31(2)(b). In order to succeed in such an application the applicant is constrained to set out reasons for his default as well as the grounds upon which he intended opposing the application. However, as I have said, it is common cause that this application has been brought in terms of rule 42; alternatively, in terms of the common law, and because I am of the view that rule 42 applies, it is not necessary to broach the question of sufficient cause.

24. Having determined that rule 42(1)(a) applies, I am of the view that Mr Elefu has successfully shown that the judgment granted on 16 August 2012 falls to be rescinded. I say so for the following reasons:

- a. It is not disputed that Mr Elefu, after the urgent application had been served on his union, gave written notice of his intention to oppose the application, which notice was served on Lovedale College's attorneys on 13 August 2012 and on the registrar at Bhisho High Court on 14 August 2012.
- b. The notice of motion states that the application would be heard no earlier than 11h00. It is not disputed that Mr Elefu arrived at court at 10h15, and as he contends, "proceeded to wait for the matter to be heard at 11h00 as per the notice of motion." When he enquired as to when his matter would be heard, he was informed that Lovedale College had been granted the relief sought and that the matter had been disposed of in his absence. Indeed a perusal of the court roll for that day (being a Thursday, which was a designated motion court date

with court to commence at 09h30) reflects that the matter had not been separately set down as an urgent application for 11h00 as reflected in the notice of motion, but that it was set down on the ordinary unopposed applications roll as number four of a total of 14 matters, the official court book reflecting a manuscript entry which says the following:

‘For the applicant: Mr Nyangiwe

For the respondents: Mr Ntsaluba

Order: By agreement there is an order ito the draft order marked ‘YE’”

- c. It is not disputed that Mr Elefu, as soon as the court adjourned, requested an audience with the presiding judge in chambers, that the request was denied, that he attended court again the next morning and requested an audience with the judge for the second time, and that his request was once again turned down. In its answering affidavit Lovedale College simply states that these allegations are irrelevant because Mr Elefu was not in a position to contend that he was an employee. This response once again illustrates the apparent confusion on the part of Lovedale College between the merits of the application which was brought on 16 August 2012 (where Elefu was cited as a respondent, the papers were served on his union and the order stopped his salary and removed him from Lovedale College’s payroll in the absence of him having been afforded the opportunity to voice his side of the story - however devoid of merit it may be argued to be - before the judge seized with the application) and the requisite grounds for a rescission application in terms of rule 42.
- d. It is also not disputed that Elefu, in anticipation of the return date of 13 September 2012 reflected in the notice of motion, approached NEHAWU to secure legal representation on his behalf to assist him to show cause on the return date why the interim relief (as he then

understood it to be), should not be made final, as this was indeed what he had been invited to do in the notice of motion.

- e. It is admitted by Lovedale College that Elefu was thereafter informed by his newly appointed attorneys that a final order had been granted on 16 August 2012, and not the interim order which had been sought in the notice of motion, and which he had believed to have been the relief which was granted on that date. Once again confusing the merits of the application with the requirements of rule 42, the response of Lovedale College (in admitting that Elefu had been advised by his attorneys of the final order), simply states that "...he had been finally dismissed, and was, simply put, not entitled to a salary at all."
- f. It is admitted by Lovedale College that a final order was sought and granted on 16 August 2012, by consent amongst Lovedale College, the Minister and the MEC, to the exclusion and in the absence of Elefu. Not only was Elefu a cited and informed party to the proceedings, but he was also materially and directly affected by the outcome thereof. The presence or otherwise of a good defence on his part does not change that. It is trite that where a party is called upon to show cause on a future date why certain relief should not be made final, the invitation means exactly that. The respondent has an election whether to oppose the granting of interim relief, or, if he does not, to anticipate the return date, or, if he does not do that, to accept the invitation extended to him in the notice of motion, and to show cause on the return date determined by the applicant. An order granting the final relief which would have been sought on the return date can only be granted prior to that date with the consent of all the parties to the application. Mr Elefu, by the very nature of the relief granted against him, together with the fact that he was cited and

served, is clearly an affected party in terms of subrule (1)(a). After all, the very subject-matter of the relief sought was his removal from the payroll and the immediate stopping of his salary. It goes without saying that his interest in this matter, as a *dramatis persona*, is direct and sufficiently substantial for him to bring this application. The repeated averments made on behalf of Loveday College that the final order which was sought and granted behind Elefu's back does not affect him are devoid of logic. The rule states that "any party affected" may bring an application for rescission. All an applicant under this sub-rule must show, in order for him to establish *locus standi*, is that he has an interest in the subject-matter of the order which is sufficiently direct and substantial to entitle him to have intervened in the original application upon which the order was granted. He or she must have a legal interest in the subject matter of the application which could be prejudicially affected by the order (see *Standard General Insurance Co Ltd v Gutman NO 1981 (2) SA 426 (C)* at 433H-436C). I cannot think of a legal interest more pressing than being deprived of one's livelihood (whether the opposition to such deprivation is devoid of merit or not).

- g. Elefu in his founding papers has alleged that even if the notice of opposition had not made its way to the court file timeously, Lovedale College's legal representatives ought to have disclosed to the presiding judge (the notice of opposition having been served on them three days before the hearing of the matter), that he was opposing the application. This is correct. The utmost transparency and *bona fides* is expected of legal practitioners at all times. Presiding officers are regularly constrained to rely on their verbal undertakings and should be able to do so confidently. It is incorrect for Lovedale College to suggest that this was not necessary, because Elefu had no viable input

to make in the matter, that no relief was being sought against him in any event, and that he was simply cited as a matter of courtesy. Differently put, even if Elefu was not cited and served, the effect of the final order on him without granting him an opportunity to be heard is a violation of his rights which, on his own, would have established *locus standi* on his part to intervene, and in these circumstances, to apply for rescission.

- h. Elefu in his founding papers submits that an interim order should have been granted in order for him to “establish the correct position” and to allow him “a fair opportunity” to oppose the application, even if there was some confusion at the time. I agree. Lovedale College in the answering affidavit deposed to by its acting principle, addresses this submission with a bare denial, reiterating that the “relevant” and “crucial” parties involved were present and were in a position to negotiate a settlement agreement. I have already expressed my dismay at this lack of appreciation for the basic principle of *audi alteram partem*. In my view, the stance taken by Lovedale College in this regard is nothing less than Draconian.
- i. It is my impression that Elefu in his application papers has expressed an adequate grasp of the rules of this court relating to application proceedings, the nature and purpose of the *rule nisi* and the basic grounds for rescission, something which appears to be lacking in the papers prepared on behalf of Lovedale College. By way of example, I refer to Elefu’s founding affidavit where he says the following:

‘The issue of what order the presiding Judge would have made had he afforded me the opportunity to represent myself is not relevant for the present purposes; fact of the matter is that at the time the Court was seized with the matter, and granted the final order, it was not aware of the fact that I would be in attendance and intended to oppose the application, which fact

would have precluded it from granting judgment in default of my appearance.’

- j. Lovedale College’s response to this reads thus:

‘The presiding Judge would have enquired of the Applicant why he did not disclose to the Court that arbitration proceedings had been initiated and finalised before the Bargaining Council, and why he had not challenged the appeal outcome, and what he had to do with the correctness of the “payroll” now that the undisputed fact is that he was not an employee. That would have been the end of his attempt to delay the proceedings further.’

- k. At the risk of repeating myself, this may or may not have been the finding of the judge ultimately seized with an opposed application, but only once a full set of papers had been delivered, and once the party opposing the application had been heard. It goes without saying that any presiding officer who hears the respondent and finds that there is no merit, and/or that he is not being candid in his opposition and that he is in fact litigating merely for the sake thereof, can and should express the court’s disapproval with an appropriate punitive costs order, but the respondent must still be heard.
- l. Mr Elefu has also gone to great lengths in an attempt to show that just cause (pertaining to the merits of the application) in any event exists for the order to be rescinded. Lovedale College in turn, has gone to even greater lengths in dealing with the merits of the application. This may well be a requirement in terms of the common law, or when a litigant is resisting summary judgment in terms of rule 32 of this court’s rules, or where he seeks to have a judgment set aside under rule 31 where he has been in wilful default of appearance. In these circumstances however, it is not necessary for the applicant to show just cause.

25. In my view then Mr Elefu has succeeded in showing that the final order made on 16 August 2012 was erroneously granted:
- a. The proceedings which I have already described were irregular (see *Clegg v Priestly* 1985(3) SA 950 (W)).
 - b. It was not legally competent for Lovedale College to seek and obtain final relief in Mr Elefu's absence before the return date of the rule *nisi*. Even if the matter had been called at 11h00 as stated in the notice of motion, and the court had satisfied itself that Mr Elefu was absent, Lovedale College could, at best, have contended for and obtained the interim relief which it had prayed for, which order ought to have been served on Mr Elefu to grant him the opportunity to exercise the option of anticipating the return date or, on the date of return, to avail himself of the opportunity to show cause why the interim relief should not be made final.
 - c. I am not at liberty to speculate about what the court was alive to, and what information was placed before it, when it granted final relief in Mr Elefu's absence. It is probable however, that had it been brought to the court's attention at the time, that the matter ought only to have been called at 11h00, it would have precluded the court from dealing with the matter before that. Over and above this, had it been brought to the attention of the presiding judge that Mr Elefu was not a party to the final order (whether or not he had filed a notice of opposition) the court would likewise have been precluded from granting a final order (see *Ntlabezo v MEC for Education, Culture and Sport, Eastern Cape* 2001(2) SA 1073 (Tk)). Indeed, it is not uncommon or irregular for a respondent to elect not to oppose the interim relief sought, but to oppose the granting of final relief on the return date. It is for this very purpose that the English *rule nisi* procedure was adopted by our courts. It is nothing more than an order by a court issued at the

instance of an applicant calling upon another party to show cause before the court on a particular day in the future, why the relief applied for should not be granted. Where it has been coupled with interim relief (as has in certain instances become the practice) that interim relief cannot, in the absence of consent, be made final before that return date (see *Shoba v Officer Commanding Temporary Police Camp, Wagendrift Dam* 1995 (4) SA 1 (A) at 18J-19B).

26. I have already mentioned that Mr Elefu has candidly abandoned his further applications for re-instatement on the payroll and for backpay. He has not, however, indicated his position with respect to the prayer directing that all other process issued after and/or on the strength of the rescinded order be set aside.
27. This is an application for the rescission of a previously granted order and is accordingly limited to that extent. The granting of further relief which falls outside the parameters of the previous order, does not lie within the scope of this application.
28. Accordingly, I make the following order:

ORDER:

- (a) **The order made by Ebrahim ADJP (as he then was) on 16 August 2012 under Bhisho case no. 379/12 is rescinded.**
- (b) **The first respondent (Lovedale Public Further Education and Training College) is directed to pay the costs of the rescission application.**

**I.T STRETCH
JUDGE OF THE HIGH COURT**

24 March 2015

APPEARANCES:

For the applicant: *in personam*

For the first respondent: Mr S.H. Cole

Instructed by Dyushu Majebe Attorneys

Locally represented by Mlonyeni & Lesele Inc

King Williams Town