

IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)



Case number: 59301/2014

Date: 24/04/2015

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHERS JUDGES: YES/NO
(3)	REVISED
24/04/2015	<i>Pretorius</i>
DATE	SIGNATURE

In the matter between:

**TRUVELO MANUFACTURERS (PTY) LTD**

**APPLICANT**

And

**ROJEAN HATTINGH**

**1<sup>ST</sup> RESPONDENT**

**RODNEY HATTINGH**

**2<sup>ND</sup> RESPONDENT**

**MORKEL & KRAUSE RIFLE MAKERS  
JOHANNESBURG (PTY) LTD**

**3<sup>RD</sup> RESPONDENT**

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## JUDGMENT

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### PRETORIUS J.

- [1] An urgent application was launched due to the respondents contravening a restraint of trade agreement. On 30 September 2014 the matter was postponed to 24 October 2014. On 24 October 2014 the respondents gave comprehensive undertakings which were incorporated into the court order by agreement and costs were reserved.
- [2] This court heard the costs argument and has to decide which party should pay the costs. It is clear from the merits of the case that the applicant had requested undertakings from the respondents prior to launching the application. The respondents chose not to give such undertakings and therefor the applicant had no choice, but to launch an application to enforce the restraint of trade.
- [3] Due to the fact that the applicant was successful in that the respondents gave certain undertakings, costs would normally follow the outcome. The applicant is requesting costs for 2 October 2014, when the undertaking by the respondents was made an order of court, and the costs of the present application.
- [4] The respondent, when giving the undertaking, set out: *"We confirm that the matter as to costs of the present litigation be reserved."*
- [5] I have considered all the arguments, read the papers and am not persuaded by the respondents that costs should not follow the outcome. The applicant conceded that it will only be asking costs for 2

October 2014 and the present application.

[6] Therefor I make the following order:

1. The respondents are ordered to pay the costs of 2 October 2014;
2. The respondents are ordered to pay the costs of this application.

A handwritten signature in black ink, appearing to read 'Pretorius', is written over a horizontal line.

Judge C Pretorius

Case number : 59301/2014

Application heard on : 14 April 2015

For the Applicant : Adv. AA BOTHA

Instructed by : DE BEER JANSE VAN VUUREN INC

For the Respondent : Adv. AJ SWANEPOEL

Instructed by : VOGEL INCORPORATED

Date of Judgment : 24 April 2015