

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NUMBER: 19243/2016

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

  
SIGNATURE

11.07.2017  
DATE

In the matter between:

**MMADITJENG SALAMINAH THOKOLO**  
**(NOW MAKUA)**

(In the application for leave to appeal)

Applicant

and

**HUURKOR ADMIN (PTY) LTD**  
**THE BODY CORPORATE OF MU-FORD MANSIONS**  
**OMNILAND AUCTIONEERS**

1<sup>st</sup> Respondent

2<sup>nd</sup> Respondent

3<sup>rd</sup> Respondent

and

**TSIU VINCENT MATSEPE N.O**  
**CORNELIA MARIA CLOETE N.O**

1<sup>st</sup> Intervening Respondent  
2<sup>nd</sup> Intervening Respondent

(Respondents in the application for leave to appeal)

---

**JUDGMENT**

**(In the application for leave to appeal)**

---

**AC BASSON, J**

- [1] This is an application for leave to appeal against two orders made by this court as well as the two respective costs orders.
- [2] The applicant's grounds for leave to appeal against the first order is directed against the granting of the urgent application on the basis of the first and second respondents' alleged non-compliance with the rules. There is no merit in these grounds: As pointed out in the judgment, the non-compliance was capable of being condoned especially in light of the fact that it was the conduct of the applicant that gave rise to the urgent application. There are no prospects that a different court would come to a different decision in respect of this order.
- [3] In respect of the second order, the applicant contended that she was not served with the sequestration order personally; her spouse was not cited as a party in the sequestration order and the applicant had sufficient assents to defray the judgment in respect of which the sequestration application that was launched. Unfortunately the applicant ignores the real issue which is the fact that the applicant had approached this court for an *interim* interdict that was fatally flawed for the reasons set out in the judgment. No other court would confirm a *rule nisi* obtained under those circumstances and there are therefore no prospects of success that another court would come to a different conclusion.

- [4] In respect of the cost orders I am likewise of the view that there are no prospects of success that another court would come to a different conclusion: The applicant's legal practitioners have virtually at every possible opportunity failed to comply with the rules and procedures of this court which warrants the cost orders granted against them.

Order

- [5] In the event the application for leave to appeal is dismissed with costs.



**AC BASSON**

**JUDGE OF THE HIGH COURT**

Appearances:

On behalf of the applicant:

Adv. ME Manala

Instructed by: Mkhonto & Ngwenya Inc

On behalf of the first and second respondent:

Adv. M Coetzee

Instructed by: Kleynhans & Swanepoel

On behalf of the 1<sup>st</sup> and 2<sup>nd</sup> Intervening Respondents (the trustees):

Adv. NG Louw

Instructed by: Rorich Colmarans & Luderitz