



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO: 018293/2022

- (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.
(4)

05/12 2022

.....

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Date

ML TWALA

In the matter between:

**SORAIA MARIA PESTANA BRANCO MAIN
APPLICANT**

FIRST

**SONIA MARISSA PESTANA BRANCO AUGUSTO
APPLICANT**

SECOND

And

**CARLA CRISTINA PESTANA BRANCO
RESPONDENT** **FIRST**

CARLA CRISTINA PESTANA BRANCO N.O. **SECOND RESPONENT**

ANDRIES VAN JAARSEVELD N.O. **THIRD RESPONDENT**

**CELINA DE JUSUS BRANCO AUGUSO N.O
RESPONDENT** **FOURTH**

**THE MASTER OF THE HIGH COURT
FREE STATE DIVISION
RESPONDENT** **FIFTH**

**JORGE MANUEL PESTANA BRANCO
AUGUSTO** **SIXTH RESPONDENT**

QUILOMBO (PTY) LTD **SEVENTH RESPONDENT**

AND

CASE NO:

048805/2022

**SORAIA MARIA PESTANA BRANCO MAIN
APPLICANT** **FIRST**

**SONIA MARISSA PESTANA BRANCO AUGUSTO
APPLICANT** **SECOND**

And

MAUTITUS CROUSE **FIRST RESPONDENT**

TRISTAN BRANCO **SECOND RESPONDENT**

JUDGMENT

Delivered: This judgment and order was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the order is deemed to be the 5th of December 2022.

TWALA J

- [1] There are two applications that served before this Court on urgent basis. In the first application the applicants sought an order that the respondents be held in contempt of the order granted on the 31st of August 2022 and other ancillary orders. In the second application the applicants sought an interim order interdicting the respondents from conducting the business of the Diplomat Hotel and other ancillary relief.
- [2] These two applications were not properly uploaded on caselines and court on line platforms for hearing on the 29th of November 2022 – hence the matter was rolled over for hearing to the 30th of November 2022 to enable the Court to access the documents on these platforms. Furthermore, it was urged by counsel for the applicants that these two applications be heard together for they are intertwined and are based on the same facts. The issues of urgency were not determined on the first day for the Court did not have access to the papers in this case.

- [3] Having heard both counsel and having reflected on the case after having reserved the judgment, it became apparent that both applications do not comply with the rules and practice manual of the Court. The contempt of Court application was initiated and enrolled in the urgent Court on the 12th of October 2022 but was removed from the roll since the applicants chose to await the outcome of another application. The judgment in that application was delivered on the 25th of October 2022 and that judgment prompted the applicants to bring an application seeking to amend the prayers of its notice of motion which application is opposed by the respondents and is yet to be determined.
- [4] With regard to the second application for the interim interdict, the respondents have been operating and conducting the business of the Diplomat Hotel since the 1st of September 2022. It is disingenuous of the applicants to now approach the Court on urgent basis when they knew for more than two months about the conduct of the respondents. The unavoidable conclusion is that the applications do not comply with the rules and practice manual of this Court. Put in another way, these application falls to be struck from the roll for lack of urgency.
- [5] In the circumstances, I make the following order:
1. Both applications in the above case numbers are struck off the roll for lack of urgency;
 2. The applicants are to pay the costs of the application including the costs for the day of the 29th of November 2022.

TWALA M L

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION

Date of Hearing: 29 - 30 November 2022

Date of Judgment: 5th December 2022

For the Applicants: Advocate N Strathern

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