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**IN THE HIGH COURT OF SOUTH AFRICA,**

**GAUTENG DIVISION, JOHANNESBURG**

**APPEAL CASE A5030/2022**

**CASE NUMBER: 11752/2020**

**DATE OF APPEAL: 27 July 2022**

1. REPORTABLE: NO
2. OF INTEREST TO OTHER JUDGES: NO

 DATE SIGNATURE

In the matter between:

|  |  |
| --- | --- |
| **JAI HIND EMCC CC T/A EMMERENTIA CONVENIENCE**  |  **Applicant**  |
| **CENTRE**  |  |
| and  |  |
|  |  |
|  |  |
| **ENGEN PETROLEUM LIMITED SOUTH AFRICA** |  **Respondent** |
|  |  |

In re:

**ENGEN PETROLEUM LIMITED SOUTH AFRICA Applicant**

**and**

**JAI HIND EMCC T/A EMMERENTIA CONVENIENCE Respondent**

**CENTRE**

**JUDGMENT**

***Electronically submitted***

Delivered: This judgment was prepared and authored by the Deputy Judge President whose name is reflected and is handed down electronically by circulation to the Parties / their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date of the judgment is deemed to be **29 July 2022.**

 **SUTHERLAND DJP (ADAMS J AND THOMPSON AJ CONCURRING)**

Order

1. It is ordered, by consent that:

*1.1 The Respondent Jai Hind EMCC CC T/A Emmerentia Convenience Centre shall vacate the leased premises by no later than 17h00 on 31 July 2022.*

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 **SUTHERLAND DJP**

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**ADAMS J**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**THOMPSON AJ**

|  |  |
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| COUNSEL FOR THE APPELLANT: | Adv Terry Motau SC and Adv Realeboga Tshetlo |
| INSTRUCTED BY: | Phukubje Pierce Masithela Attorneys |
| COUNSEL FOR THE RESPONDENT: |  |
| INSTRUCTED BY: | Des Naidoo & Associates |
| DATE OF THE HEARING: | 27 July 2022 |
| DATE OF JUDGMENT | 29 July 2022 |