

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 013170/2022

DATE: 05-10-2023

<p>DELETE WHICHEVER IS NOT APPLICABLE</p> <p>(1) REPORTABLE: YES / NO.</p> <p>(2) OF INTEREST TO OTHER JUDGES: YES / NO.</p> <p>(3) REVISED.</p> <p><u>DATE</u></p> <p><u>SIGNATURE</u></p>

In the matter between

CHATAPROP HOLDINGS LTD

Plaintiff

and

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY Defendant

J U D G M E N T

LA GRANGE, AJ: At the start of proceedings, it very soon became apparent that in consequence of discussions that the parties had the realisation had dawned on the applicant's representative that alternative relief to that which had been framed in the notice of motion and the amended notice of motion would be required.

After standing down the parties informed me that they are in agreement that the application should be

postponed *sine die*. The purpose thereof being to allow the applicant an opportunity to remedy its papers that certainly includes relief in the notice of motion, but it may also include supplementing the affidavits.

But that the issue of costs could not be agreed between the parties. I had heard the representatives of both parties on the costs issue. This is an indulgence that is being sought by the applicant and as such the ordinary approach is that it ought to make good the respondents wasted costs of today.

I have not heard any submissions by the applicant which persuade me that I ought to deviate from that ordinary approach and accordingly, I award the respondents the wasted costs of today.

My order, therefore, is that the matter is postponed. *sine die*. The applicant to pay the respondents wasted costs.

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LA GRANGE, AJ
JUDGE OF THE HIGH COURT
DATE: