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**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, JOHANNESBURG**

**CASE NO: 2023-113346**

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| 1. Reportable: No  2. Of interest to other judges: No  3. Revised    Wright J  2 November 2023 |

In the matter between:

**MINISTER OF POLICE APPLICANT**

**And**

**ZWANE, KATLEGO PHOKA RESPONDENT**

**JUDGMENT**

**WRIGHT J**

1. The respondent issued summons against the present applicants claiming damages for wrongful arrest and malicious prosecution. The matter was defended by the State Attorney. A plea was filed.

2. The defence was later struck out for want of compliance with two court orders. The matter is set down for a default judgment hearing tomorrow, 3 November 2023.

3. The Applicants seek now urgently to stay the default judgment hearing pending the finalization of a rescission application by the applicants in which they seek to rescind the two orders.

4. The person at the State Attorney who was dealing with the matter passed away. This forms the basis of the rescission application. In that application affidavits have been swopped and the matter awaits a hearing.

5. The respondent, perhaps not unreasonably, complains of long delay by the applicants in the matter generally.

6. There are various disputes of fact, but in my view, it is in the interests of justice that the default judgment hearing be stayed pending the outcome of the rescission application.

**ORDER**

1. The application for default judgment is postponed pending the finalization of the rescission application.

2. Costs reserved.

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GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 2 November 2023

DELIVERED : 2 November 2023

APPEARANCES :

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