

**IN THE HIGH COURT OF  
GAUTENG DIVISION,**



**SOUTH AFRICA  
JOHANNESBURG**

**CASE NO: 2023-113346**

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**

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**JUDGMENT**

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**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 swapped 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 :

APPLICANTS Adv Mawila J

[Mawila@gmail.com](mailto:Mawila@gmail.com)

079 098 8953

Instructed by State Attorneys

[gmadikgetla@justice.gov.za](mailto:gmadikgetla@justice.gov.za)

RESPONDENT Adv Ikechukwu Nwakodo

[ike.sleekkonzult@com](mailto:ike.sleekkonzult@com)

083 713 6851

Instructed by Okafor M A Attorneys

[info@omalaw.co.za](mailto:info@omalaw.co.za)

081 723 2442