



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

CASE NO: A2023-022151

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
	DATE
SIGNATURE	

In the matter between:

GXUMISA, BONDILE

Appellant

and

MOLOTO, PHUTI MERCY

Respondent

JUDGMENT

MOORCROFT AJ [DU PLESSIS AJ CONCURRING]:

Summary

Order

[1] In this matter I make the following order:

1. *The appeal is removed from the roll;*
2. *The costs are reserved.*

[2] The reasons for the order follow below.

Introduction

[3] This appeal served before us on 10 August 2023. The appellant does not make use of legal representation and the appeal is not ripe for hearing: The evidence was not transcribed but the appellant nevertheless enrolled the appeal. The respondent's counsel advises that the respondent was not aware of the enrolment until the week before the appeal hearing.

[4] Justice will not be done between the parties by striking the matter from the roll and the appeal will therefore be postponed *sine die* (without a date for the hearing) to enable the appellant to obtain proper advice, to comply with all the requirements, and then to re-enrol the appeal.

[5] The appellant will be required to file the record of the proceedings in the lower court and to otherwise comply with the provisions of Rule 50 of the Uniform Rules of Court as well as Rule 6 of the Gauteng Rules before enrolling the matter. The appellant is advised to seek assistance from the Legal Aid Board or a Law Clinic.

[6] I therefore make the order as set out above.

J MOORCROFT
ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
JOHANNESBURG

I agree and it is so ordered

W J DU PLESSIS
ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
JOHANNESBURG

Electronically submitted

Delivered: This judgement was prepared and authored by the Acting Judges whose names are 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 **30 AUGUST 2023**.

COUNSEL FOR APPELLANT:	IN PERSON
INSTRUCTED BY:	-
COUNSEL FOR RESPONDENT:	MR UNGERER
INSTRUCTED BY:	KLOPPER JONKER INC
DATE OF THE APPEAL:	10 AUGUST 2023
DATE OF JUDGMENT:	30 AUGUST 2023