

**SPECIAL TRIBUNAL OF SOUTH AFRICA**  
**Judgment summary**

<b><i>Ex Parte: Special Investigating Unit ; In Re: Special Investigating Unit v Mhlongo and Another</i></b>	
URL	<a href="https://lawlibrary.org.za/akn/za/judgment/zast/2022/45/eng@2022-10-13">https://lawlibrary.org.za/akn/za/judgment/zast/2022/45/eng@2022-10-13</a>
Citations	(LP/03/2022) [2022] ZAST 45
Date of judgment	13 October 2022
Keyword(s): <sup>1</sup>	Application, <i>ex parte</i> , Special Tribunal, interdict, restrain, pension fund, benefits, pending final determination, civil proceedings, recovery, damages, losses, profit, unlawful, contracts, secret, order, interim interdict
Case type <sup>2</sup>	<i>Ex parte</i> application
Result	Granted
Flynote <sup>3</sup>	<b>Civil proceedings</b> – <i>ex parte</i> application – the Special Tribunal may grant an interim interdict to restrain the payment of benefits to a respondent pending the final determination of the main proceedings, and may condone non-compliance with Tribunal rules based on the urgency of the matter
Legislation and International Instruments <sup>4</sup>	<ul style="list-style-type: none"> <li>● Special Tribunal Rule 12 and 12(9)</li> </ul>
Cases cited as authority <sup>5</sup>	n/a
Facts <sup>6</sup>	The applicant, the Special Investigating Unit ( <b>SIU</b> ), intended on instituting civil proceedings against various parties including the first respondent, Dr Mhlongo ( <b>Mhlongo</b> ). The intended proceedings related to the recovery of damages or losses and disgorgement of profits derived from unlawful contracts and secret profits ( <b>the Main Proceedings</b> ). The SIU therefore sought to interdict and restrain the second respondent, the Government Employees Pension Fund ( <b>the Fund</b> ), from paying any pension benefits due to Mhlongo pending the final determination of the Main Proceedings.
Summary <sup>7</sup>	The Special Tribunal was asked to condone the SIU's non-compliance with certain Tribunal rules and to grant the <i>ex parte</i>

<sup>1</sup> Clarify the type of issues that come up in the case.

<sup>2</sup> Whether Trial, Application or Appeal.

<sup>3</sup> **Area of law** - topic – subtopic.

<sup>4</sup> Legislation/ International instrument title and section numbers.

<sup>5</sup> List of cases considered to be important precedent (case name and citation).

<sup>6</sup> Brief facts about the case (max 150 words).

<sup>7</sup> Summary of the determination of legal questions and/or grounds of appeal (between 150-250 words).

	application as an interim interdict to prevent the payment of benefits to Mhlongo pending finalisation of the Main Proceedings.
Decision/ Judgment <sup>8</sup>	The Special Tribunal granted the interim interdict pending determination of the Main Proceedings to be instituted within 60 days of the granting of this order. The costs in this application were reserved.
Basis of the decision <sup>9</sup>	The Special Tribunal condoned the SIU's non-compliance with the rules of the Tribunal based on the urgency of the matter as contemplated in Special Tribunal Rule 12. The Special Tribunal also ordered that the Fund be interdicted and restrained from paying any pension benefits to Mhlongo pending the institution of the Main Proceedings within 60 days of the granting of this order.
Reported by Date	African Legal Information Institute ( <a href="#">AfricanLII</a> ) 5 November 2022

<sup>8</sup> A brief summary of the ruling/judgment of the court (max 100 words).

<sup>9</sup> A 1-2 sentence summary of the basis of the decision (i.e. which legal rules were relied on).