

IN THE LAND CLAIMS COURT OF SOUTH AFRICA

CASE NUMBER: LCC 35/02

Held in **Randburg** on the **21st of August 2003**
before **Meer J**

Decided on the 21 August 2003.

In the case between:

PRIZETRADE 44(PTY) LTD

Applicant

and

ISAAC TEFO MEMANE & OTHERS

Respondent

JUDGMENT

MEER J:

[1] This is an application for the eviction of the respondents from the farm known as the Remaining Portion of Portion 10 of the Farm Klipkop 396, Gauteng, currently owned by the applicant. The only issue in dispute is whether the employment of the respondents was terminated. This pertains to the requirements specified at Sections 9(2)(a) and (c) of the Extension of Security of Tenure Act 62 of 1997 (hereinafter referred to as ESTA). It was agreed that the hearing would concern itself with this issue only.

[2] It has become common cause between the parties that the respondents were employed by a company called Nyeleti Landgoed (hereinafter referred to as Nyeleti) on land adjacent to the farm and that housing was provided for them on the farm which was leased by Nyeleti. The farm at that stage was owned by Bentonite Investment Holdings (Pty) Ltd. The farm was sold to the applicant in October 1999 and it was an agreed condition of sale that the respondents would be entitled to be housed on the property until September 2000. Nyeleti was liquidated and the