

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG LOCAL DIVISION, PRETORIA)**

Case No: 2023/078800

In the matter between:

NOMUSA VIRGINIA DLOMO 1st Applicant

LEFA DAVID DLOMO 2nd Applicant

And

KOBUS DE KLERK 1st Respondent

ELAINE DE KLERK 2nd Respondent

MINISTER OF TRADE AND INDUSTRY 3rd Respondent

NOTICE IN TERMS OF RULE 16A

TAKE NOTICE THAT the applicants instituted legal action in the above Honourable Court on 10 August 2023.

TAKE NOTICE THAT the applicants' application raises the following Constitutional issues:

1. "Whether failure by the Alienation of Land Act 68 of 1981 to provide for the transfer of residential property in terms of oral or verbal agreement to avoid homelessness of vulnerable purchaser, who paid full or any reasonable amount towards the property, is

inconsistent with the Constitution and invalid”.

2. Whether verbal or oral agreement by the homelessness vulnerable purchaser, who paid full or any reasonable amount towards the property for the transfer of residential property is binding and enforceable.

TAKE FURTHER NOTICE that any interested party may, with the written consent of all the parties to the proceedings, given not later than 20 days after this notice has been filed, be admitted therein as *amicus curiae* upon such terms and conditions as may be agreed upon in writing by the parties.

TAKE NOTICE THAT the terms and conditions agreed upon may be amended.

TAKE FURTHER NOTICE that the written consent referred to above shall, within five days of its having been obtained, be lodged with the Registrar and the *amicus curiae* shall, in addition to any other provision of the Rules, comply with the times agreed upon for the lodging of the written argument.

TAKE FURTHER NOTICE that if the interested party is unable to obtain written consent as contemplated herein, he or she may, within five days of the expiry of the 20-day period prescribed above, apply to the Court to be admitted as an *amicus curiae* in the proceedings. Such application shall—

- 1 Briefly describe the interest of the prospective *amicus curiae* in the proceedings;
- 2 Clearly and succinctly set out the submissions which will be advanced by the prospective *amicus curiae*, the relevance thereof to the proceedings and his or her reasons for believing that the submissions will assist the court and are different from those of the other parties; and
- 3 Be served upon all parties to the proceedings.

TAKE FURTHER NOTICE THAT any party to the proceedings who wishes to oppose an application to be admitted as *amicus curiae* shall file an answering affidavit within 5 (five) days of the service of such application upon such party. The answering affidavit shall clearly and succinctly set out the grounds of such opposition.

TO THE REGISTRAR/CLERK: KINDLY place this notice on the notice board designated for the purpose recorded in Rule 16A(1)(c) and affix your date stamp upon the notice to indicate the date upon which it was placed on the notice board in accordance with Rule 16(A) (1)(d).

DATED AT JOHANNESBURG ON THIS THE 5th DAY OF JUNE 2024.



MARWESHE ATTORNEYS.

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Ref: M Marweshe/N.Dlomo/HC/22

TO : REGISTRAR OF THE ABOVE
HONOURABLE COURT

AND TO:

The first and second respondents

AND TO:

The third Respondent
77 Menitjies Street
Sunnyside, pretoria