

1

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

CASE NO 16715/2018

In the matter between

MOLEFE RUFARO MTHULISI DLODLO

APPLICANT

SUKOLUHLE THANDO NKALA

1ST RESPONDENT

HERBERT NKALA

2ND RESPONDENT

**THE PRESIDING OFFICER OF THE HIGH COURT OF
SOUTH AFRICA, GAUTENG LOCAL DIVISION,
JOHANNESBURG**

3RD RESPONDENT



APPLICANT'S NOTICE IN TERMS OF RULE 16A

TAKE NOTICE THAT the Applicant hereby raises the following constitutional issue;

1. ***That the continued restrictions on Presiding Officers barring them from awarding cost orders in favour of successful self-representing litigants (SRLs), is inconsistent with Section 9 of the Constitution of the Republic of South Africa, 1996 to the extent that –***
 - 1.1 ***Said restrictions are discriminatory of said self-representing litigants (SRLs), such that***

1.2 Litigants who would otherwise be forced to represent themselves, are inadvertently/consequently forced to capitulate to represented litigants, notwithstanding any injustice in the matter, on the sole account of the reasonable and substantive fear of being left laden with adverse cost awards. In simple terms, contrary to the accepted norm of costs following the event, in instances where a litigant appears in person;

1.2.1 Should said self-representing litigant be unsuccessful in the matter, they are in that instant at a real and comprehensive risk of the Presiding Officer issuing a cost order against them,

1.2.2 On the other hand, should said self-representing litigant succeed in the matter, Presiding Officers are barred (by design, precedent or otherwise) from issuing cost orders in favour of the successful self-representing litigant.

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

TAKE NOTICE FURTHER that any such written consent shall, within 5 days of it having been obtained, be lodged with the Registrar, and the *amicus curiae* shall, in addition to the provisions of the Uniform Rules of Court, comply with the times agreed upon by the parties for the lodging of affidavits and/or written argument.

TAKE NOTICE FURTHER that if any interested party is unable to obtain the parties' written consent, they may within 5 days of the expiry of the 20-day period referred to above, apply to the Court in the manner contemplated by Rule 16A(6) to be admitted as *amicus curiae* in the proceedings.

Signed and dated at Johannesburg on this **26th Day of APRIL 2021**.



MOLEFE RUFARO MTHULISI DLODLO

Tel : 079-359-3779

Email : molefedlodlo@gmail.com

**TO: THE REGISTRAR
THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION
JOHANNESBURG**

AND TO: RAMSAY WEBBER INC
Attorneys for the 1st and 2nd Respondents
Tel : 011-778-0600
Email : gh@ramweb.co.za
(Service Via Email)