

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

Case No: 42746/2018

in the matter between:

**TIMOTHY THULO**

Applicant

and

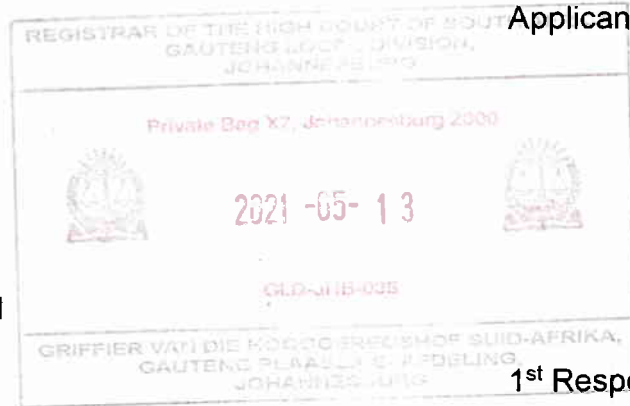
**STANDARD BANK OF SOUTH  
AFRICA LIMITED**

**MINISTER FOR JUSTICE AND**

**CONSTITUTIONAL DEVELOPMENT**

1<sup>st</sup> Respondent

2<sup>nd</sup> Respondent



**NOTICE IN TERMS OF RULE 16A**

**BE PLEASE TO TAKE NOTICE** that the applicant intends to make an application to the above Honourable Court for an order raising a constitutional issue which can be set out as follows:

1. Declaring that it is unconstitutional for a Registrar of the High Court to order return of property, immovable or movable, when ordering default judgement under rule 31(5) of the Uniform Rules of Court to the extent that it permits the sale of those goods by the other party.

2. Alternatively, where the relief sought is removal of property, which possession thereof emanates from an agreement in terms of the NCA, does it invoke section 25(1) of the Constitution?

**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 AT VEREENIGING ON THE 12<sup>th</sup> DAY OF MAY 2021**

*S NHLAPO*

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**HLONI LEHOKO ATTORNEYS  
APPLICANT'S ATTORNEYS**  
Corbet Place  
25 Kruger Avenue

Vereeniging  
Tel: (016) 421-8193  
Email: [litigation@lnlegal.co.za](mailto:litigation@lnlegal.co.za)

Ref: DHL/SN/THULO

**C/O T. HADEBE ATTORNEYS**

211 Mansion House  
132 Albertina Sisulu Street, Johannesburg  
Tel: (011)333-7662

**TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT  
JOHANNESBURG**

**AND TO: VAN HULSTEYNS ATTORNEYS**

First Respondent's Attorneys  
3<sup>rd</sup> Floor, Suite 25  
Katherine & West Building  
114 West Street, Sandown, Sandton  
Tel: (011) 523 5300  
Email: [nicola@vhlaw.co.za](mailto:nicola@vhlaw.co.za)  
Ref: Mr D Raath/Ms N de Ruiter/MAT14457

Service by email in accordance with  
Rule 4A (3) of the Uniform Rules of Court  
and Section 23 of the Electronic Communications  
and Transactions Act 25 of 2002, proof of transmission  
being annexed hereto as proof of service  
on this 12<sup>th</sup> day of May 2021

**AND TO: THE MINISTER FOR JUSTICE AND CONSTITUTIONAL  
DEVELOPMENT  
C/O STATE ATTORNEY  
10<sup>th</sup> Floor, North Face Building**

95 Cnr. Albertina Sisulu & Kruis Streets

Johannesburg

Tel: (011) 330 7600

Email: [tmalape@justice.gov.za](mailto:tmalape@justice.gov.za)

Ref: T Malape 4594/19/P29

**siyabonga@Inlegal.co.za**

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**From:** Nicola De Ruiter <Nicola@vhlaw.co.za>  
**Sent:** Wednesday, 12 May 2021 14:37  
**To:** siyabonga@Inlegal.co.za  
**Cc:** tmalape@justice.gov.za; 'hloni'  
**Subject:** RE: Timothy Thulo // SBSA - 42746/2018

Dear Siyabonga,

Received, thank you.

Kind regards

**Nicola de Ruiter**  
**Senior Associate**

T +27 11 523 5300 Cell: 082 560 8155 | [www.vhlaw.co.za](http://www.vhlaw.co.za)

3rd Floor, Katherine & West Building, 114 West Street, Sandown, Sandton



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**From:** siyabonga@Inlegal.co.za [mailto:siyabonga@Inlegal.co.za]  
**Sent:** Wednesday, 12 May 2021 14:16  
**To:** Nicola De Ruiter <Nicola@vhlaw.co.za>  
**Cc:** tmalape@justice.gov.za; 'hloni' <hloni@Inlegal.co.za>  
**Subject:** Timothy Thulo // SBSA - 42746/2018  
**Importance:** High

Dear Nicola,

In light of the *point in limine* in the first respondent's heads of argument, we herewith serve a copy of the Rule 16A Notice, that shall be filed with the registrar tomorrow.

We have instructions to bring a condonation application, which shall be settled and served by Monday the 17<sup>th</sup> May 2021.

We have to delay applying for a set down date to permit for the time frame prescribed by rule 16A to lapse. After the prescribed time and responses to the anticipated condonation application we shall apply for set down dates.

Kind regards,

Siyabonga Nhlapo  
Hloni Lehoko Attorneys

25 Kruger Avenue  
Vereeniging  
1961  
Tel: 081 796 4316  
Cell: 078 315 6295  
E-mail: [litigation@lnlegal.co.za](mailto:litigation@lnlegal.co.za)



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[www.avast.com](http://www.avast.com)

**From:** Malape Tefo <TMalape@justice.gov.za>  
**Sent:** Wednesday, 12 May 2021 15:35  
**To:** siyabonga@Inlegal.co.za  
**Subject:** Read: Timothy Thulo // SBSA - 42746/2018

**Importance:** High

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