



## THE ELECTORAL COURT OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE ELECTORAL COURT

**From:** The Electoral Court

**Date:** 19 November 2024

**Status:** Immediate

**The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Electoral Court**

*Sabelo Sithole v Electoral Commission of South Africa and Others* (0038/2024EC) [2024] ZAEC 30  
(19 November 2024)

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Today the Electoral Court (EC) held that the application by Mr Sithole (the applicant) is already before another court. It dismissed it with a punitive costs order.

The applicant lodged a complaint against the Electoral Commission (the Commission) on the grounds that the Commission refused to amend the records of Abantu Batho Congress (ABC), a registered political party, by removing Mr Mavundla and replacing him with ABC's purported new president, Mr Gwala.

The applicant contended that Mr Gwala was elected as ABC's new president. In addition, the applicant contended that Mr Mavundla was expelled from the party and therefore was no longer a member. Mr Mavundla raised points *in limine* in that he was not joined as a party to the application even though he has a direct and substantial interest in the subject matter. In addition, Mr Mavundla submitted that a matter involving his expulsion was before another court, the Pietermaritzburg High Court.

The EC ruled that the case before the Pietermaritzburg High Court should be to be finalized to avoid courts dealing with the same issue and possibly reaching different conclusions. The EC also ruled that Mr Mavundla and other members of the party ought to have been joined as parties in the proceedings because they have a substantial interest in this application.

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