



**IN THE HIGH COURT OF SOUTH AFRICA,
FREE STATE DIVISION, BLOEMFONTEIN**

Reportable:	YES/NO
Of Interest to other Judges:	YES/NO
Circulate to Magistrates:	YES/NO

Case number: 5122/2017

In the matter between:

**MAJAKATHATA LONG DISTANCE
TAXI ASSOCIATION**

1st Applicant

MOHAHLAULA TAXI ASSOCIATION

2nd Applicant

and

**MEC FOR POLICE ROAD AND TRANSPORT,
FREE STATE PROVINCE**

1st Respondent

FREE STATE PROVINCIAL REGULATOR

2nd Respondent

FREE STATE TRANSPORT REGISTRAR

3rd Respondent

MATSEPES INCORPORATED

4th Respondent

WELKOM UNITED TAXI ASSOCIATION

5th Respondent

CORAM: MATHEBULA, J

HEARD ON: 25 APRIL 2019

REASONS

[1] On 25 April 2019 I handed down the following order:-

- “1. Case 4952/2018 and 5122/2017 are postponed to 18, 19 & 21 JUNE 2019.**
- 2. First and Second Applicant (1st and 2nd respondent in the main case) are ordered to bear the wasted costs occasioned by the postponement, which costs shall include preparation costs.”**

Here are the reasons.

- [2] On 21 February 2019, my sister Chesiwe J granted an Order inter alia referring the matter to the hearing of oral evidence and consolidating Case 5122/2017 and 4952/2018 in order to determine the dispute between the parties. The consolidated matter was postponed to 25 April 2019.
- [3] On the latter date approximately ten (10) minutes before hearing I was handed a substantive application for postponement. In chambers and in court, counsel for the applicants (respondents in the main case) informed me that he only has instructions to argue an application for a postponement. It became apparent that despite the outcome of the application, postponement was inevitable.
- [4] After intense discussions, the parties agreed that the matter be postponed but could not meet each other on the issue of costs. I granted the costs in favour of the respondents (applicants in the main case).

- [5] The granting of an application for postponement is simply an indulgence that falls within the discretion of the court. In this matter, the applicants were not ready to proceed and relied on a number of flimsy reasons to try and force a postponement. One of the reasons was that the order by Chesiwe J was ambiguous. I fail to understand the contention hereof. A period of two (2) months has elapsed since the granting of the order and nothing was done about its ambiguity (if any). The next point was that the applicants intended to appeal the order. I was not referred to any appeal pending before this court. The last one was that the applicants have not made proper accommodation arrangements for the witnesses. Counsel could not provide any details in this regard. He was simply clutching on straws.
- [6] This matter has been on the court roll for some time. The applicants are clearly playing for time and in the process are acting unreasonably to delay the finalisation of this matter. I find it odd that counsel can only be briefed to argue an application for postponement when it is known that it can be granted or refused. This was designed to put the respondents in the difficult position that in the event it is not granted counsel will withdraw and the applicants will be granted their postponement in any event. It will be unfair, unreasonable and obviously unjust that the respondents are out of pocket because of something that they did not play a role in it. Given these

considerations, I found it appropriate to order that the applicants must bear the wasted of costs.

MATHEBULA, J

On behalf of 1st & 2nd Applicant:

Instructed by:

Adv. C Ploos van Amstel

E G Cooper Majiedt Inc.

Bloemfontein

On behalf of Respondent 1,2 & 3:

Instructed by:

Adv. A Williams

State Attorney

Bloemfontein

On behalf of Respondent 4 - 18:

Instructed by:

Mr M Khang

Mphafi Khang Attorney

Bloemfontein