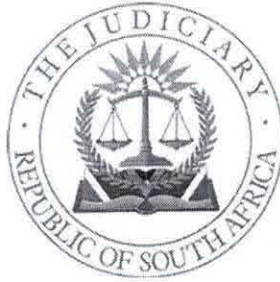


**REPUBLIC OF SOUTH AFRICA**




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

- (1) REPORTABLE: **NO**  
(2) OF INTEREST TO OTHER JUDGES: **NO**  
(3) REVISED.

19/10/2022

DATE



SIGNATURE

**Case no.: 16306/2022**

In the matter between:

**MOLEFE RUFARO MTHULISI DLODLO**

Applicant

And

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL  
DEVELOPMENT**

1<sup>st</sup> Respondent

**THE RULES BOARD FOR COURTS OF LAW**

2<sup>nd</sup> Respondent

Coram: Dlamini J

Date of hearing: 18 October 2022 – Court 9B

Date of delivery of Judgment: 19 October 2022

This Judgment is deemed to have been delivered electronically by circulation to the parties' representatives via email and shall be uploaded onto the caselines system.

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## JUDGMENT

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### DLAMINI J

- [1] This an application wherein the Applicant seeks a declaratory order that the restriction on Presiding Officers barring them from awarding costs orders in favor of successful self-representing litigants should be declared unconstitutional.
- [2] The Applicant is Molefe Rufaro Dlodlo, an adult male with full legal capacity who describes himself as a self-representing litigant (SRL).
- [3] The first Respondent is the Minister of Justice and Constitutional Development of the Republic of South Africa (the Minister).
- [4] The Second Respondent is the Rules Board for the Courts of Law of the Republic of South Africa (the Rules Board).

## RES JUDICATA

- [5] At the hearing of the application, the Respondent raised a point *in limine* of res judicata. The parties agreed that this point should be determined first as its finding will have the effect of disposing of the application.
- [6] The Applicant brought a similar application seeking the same orders under case number 2018/16715 wherein the First Respondent was cited therein as Third Respondent. Having considered the application Matojane J said the following at [2] *"At the time the Respondent brought the present application, there was a pending application in terms of rule 30 (2) of the Uniform Rules of Court by the applicants to set aside respondents' rule 16A notice that was the same as the one in the present application and between the same parties"*
- [7] Matojane J went on to say at [5] .... *"the respondent had simply added the Chief Justice of South Africa, the judge president of the Johannesburg High Court, the Minister of Justice and Constitutional Development and the director-general, Ministry of Justice and Constitutional development without complying with the rules on joinder of parties and seeking the requisite permission to institute action against the Judge President and the Chief Justice"*. The learned Judge went on and dismissed the application with a punitive cost order
- [8] The Appellant avers that Matojane J's judgment was/is inconvertibly moot and of no consequence – hence it was not appealed against. The Applicant should have done exactly the opposite, he should have appealed this judgment instead he launches another impermissible application to this Court. Until appealed or reviewed and set aside Matojane J's judgment stand.
- [9] In my view, the first Respondent's point in limine of res judicata is upheld.

In the circumstances mentioned above, I make the following order

**ORDER**

1. The application is dismissed.
2. The Applicant is ordered to pay the costs of this application on the scale between attorney and own client.



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**DLAMINI J**

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

Date of hearing: 18 October 2022

Delivered: 19 October 2022

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