

CASE NO.: 1428/05

IN THE HIGH COURT OF SOUTH AFRICA
(BOPHUTHATSWANA PROVINCIAL DIVISION)

In the matter between:

NORTHAM TAXI ASSOCIATION

APPLICANT

and

N I MOLEPO

1ST RESPONDENT

T G MASHININI

2ND RESPONDENT

D R RANTSOEU

3RD RESPONDENT

M J MAKUTU

4TH RESPONDENT

Z M MOFOKENG

5TH RESPONDENT

S S NGOLWANE

6TH RESPONDENT

JUDGMENT

LANDMAN J:

[1] The applicant, Northam Taxi Association, set this matter down for hearing on 17 November 2005 by way of a notice of set down which was served on the respondents' attorneys on 15 November 2005.

[2] The next day the applicant's attorney wrote to the respondents' attorney

to say that “we will remove this matter from the roll on 17 November 2005, alternatively we will not place the matter on the roll”.

[3] On 17 November, Mr Da Silva appeared for the respondent in this matter. Mr Theussen appeared for the applicants. Both counsel also appeared for the same parties in the matter no 1377/05 which was also set down for hearing on 17 November.

[4] The applicant is responsible for the wasted costs incurred until the respondent received the fax on 16 November 2005. The respondent was entitled to rely on fax and did not need to attend on 17 November.

[5] In the premises the applicant is to pay the respondents’ wasted costs for preparing for the hearing up to the receipt of the fax of 16 November 2005 by respondents’ attorney.

A A LANDMAN

JUDGE OF THE HIGH COURT

APPEARANCES

DATE OF HEARING: 17 NOVEMBER 2005

DATE OF JUDGMENT: 2005

COUNSEL FOR APPLICANT: ADV THEUSSEN

ATTORNEYS FOR APPLICANT: S M MOOKELETSI

COUNSEL FOR RESPONDENTS: ADV DA SILVA

ATTORNEYS FOR RESPONDENTS: KGOMO, MOKHETLE & TLOU