

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Reportable
CASE NO: A484/2015

In the matter between:

JUNE ELAINE GERSTLE	First Appellant
SANDRO BERNARDI	Second Appellant
LOUIS MATHYS BURGER	Third Appellant
TRACY LEE BROWN	Fourth Appellant
ELLEN ELIZABETH VAN DER MERWE	Fifth Appellant
MALCOLM EDGAR BROOKS	Sixth Appellant
ADRIANA LUCIA VAN DYK	Seventh Appellant
BRUCE ANDREW JAMES	Eighth Appellant
JOHANN JURGENS SCHOEMAN	Ninth Appellant
JENNIFER ANN SCHOEMAN	Tenth Appellant
MOFASI PROP DEVELOPERS CC	Eleventh Appellant

and

THE CITY OF CAPE TOWN	First Respondent
GAVIN MICHAEL BROWN	Second Respondent
BETTY GENOFEVA BROWN	Third Respondent

CORAM	:	DAVIS J et BAARTMAN J et BOQWANA J
JUDGMENT BY	:	DAVIS J
FOR THE APPELLANTS	:	ADV A OOSTHUIZEN SC ADV P TORRINGTON
INSTRUCTED BY	:	BIDEN CAMPBELL ATTORNEYS
FOR THE FIRST RESPONDENT	:	ADV S ROSENBERG SC ADV M O’SULLIVAN
INSTRUCTED BY	:	WEBBER WENTZEL ATTORNEYS
DATE OF HEARINGS	:	25 JULY 2016
DATE OF JUDGMENT	:	15 AUGUST 2016