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IN THE SOUTH GAUTENG HIGH COURT OF SOUTH AFRICA

JOHANNESBURG

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE	YES/NO
(2) OF INTEREST TO OTHER JUDGES	YES/NO
(3) REVISED	<input checked="" type="checkbox"/>
DATE <u>1/8/2012</u>	SIGNATURE <u>[Signature]</u>

CASE NO: 35910/2011

DATE: 2011-11-16

In the matter between

10 RICHELL MATODZI DAMA

Appellant

and

JOHANNES KLOPPER

Respondent

J U D G M E N T

WILLIS: J: This is an application to compel the signing of documentation necessary to give effect to a property transfer of Ervin 1651 and 1652 Johannesburg Township in Plein Street. This matter has had a long and protracted history.

20 It has been dragging on for far too long. It is also clear that the delays have been holding up the winding up of the deceased's estate. It is, frankly, an intolerable state of affairs. The matter has not been opposed by the second, third and fourth respondents. No formal opposition has been filed by the first respondent.

 Apparently the first respondent succeeded in getting an attorney to

represent him on Monday and that attorney has since withdrawn and today counsel has appeared seemingly on instruction by an attorney to seek a postponement, but there are no formal papers. This is an atrocious state of affairs.

If indeed it is true that the first respondent's attorney is to blame for neglecting the matter that first respondent has a remedy: sue that attorney. We cannot have a situation carrying on in this court where people chop and change attorneys, blame attorneys and expect the court to cooperate. Endlessly postponing a matter denies basic justice between a human being.

10 The following is the order of this court.

1. The application for a postponement of the matter is dismissed with costs.
2. An order is made in terms of Prayers 1, 2, 3 and 4, the notice of motion dated 10 September 2011.