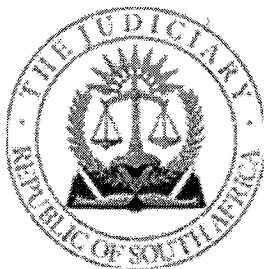


REPUBLIC OF SOUTH AFRICA



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

CASE NO: 33526/2018

(1)	REPORTABLE: YES / <u>NO</u>
(2)	OF INTEREST TO OTHER JUDGES: YES / <u>NO</u>
(3)	REVISED. <u>✓</u>
<u>13.9.18</u> DATE	
SIGNATURE <u>[Signature]</u>	

In the matter between:

DAVID JAFFIT
MAXINE JAFFIT

FIRST APPLICANT
SECOND APPLICANT

and

PIETER GERHARDUS BELLINGAN
DARRYL BEIRA

FIRST RESPONDENT
SECOND RESPONDENT

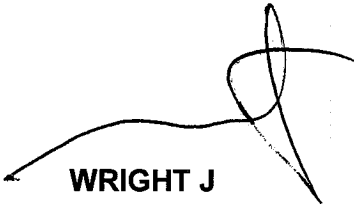
J U D G M E N T

WRIGHT J

1. The applicants live on a residential property in Johannesburg. Until recently they accessed their property via a remotely controlled gate driven by an electric motor. The first respondent lives next door and the electric power to the gate comes from his property. The parties had a long-standing arrangement of sorts that they would contribute to common expenses like security.
2. About 3 days ago the first respondent, without a court order unilaterally removed the motor from the gate and cut off the electricity supply. He put a manual lock on the gate and gave the applicants keys to the lock. They seek urgently spoliation relief. They fear for their security. They say that, as a fact, up until recently they have enjoyed access to their home via the remotely controlled gate.
3. The respondent says that he is not obliged to supply electricity to the gate. I make no finding on the point. Nor do I make any finding on the greater disputes between the parties. This case concerns only spoliation. The fact of the matter is that the applicants have been deprived of at least part of their former method of access. In the circumstances they have shown a spoliation.

ORDER

1. Prayers 1 & 2 of the Notice of Motion dated 11 September 2018 are granted.
2. The first respondent is to pay the applicant's costs on the party and party scale.



WRIGHT J

On behalf of the Applicants:

Instructed by:

Adv J M Hoffman

Swartz Weil Van Der Merwe

Greenberg Inc

011 486 2850

joshua@swvginc.co.za

On behalf of the 1st Respondent:

Instructed by:

Adv C Acker with him Adv De la Hunt

Pagel Schulenburg Inc.

011 463 1214 / Z Hartman

Date of Hearing:

13 September 2018

Date of Judgment:

13 September 2018