

REPUBLIC OF SOUTH AFRICA



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

CASE NO: EQ2/2017

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| (1) | <u>REPORTABLE: YES / NO</u> |
| (2) | <u>OF INTEREST TO OTHER</u> |
| | <u>JUDGES: YES/NO</u> |
| (3) | <u>REVISED.</u> |

In the matter between:

THE CHINESE ASSOCIATION, GAUTENG (TCA)

Complainant

And

ALICE HENNING (Also known as Alice Pretorius)
ANJA LOCK
CYNTHIA JEANETTE LE ROUX
DAVID CLIVE HORNE
DAWN REEVE
JOY TERMORSHUIZEN
LANA BERGER
MARIETTE VAN DER LINDE DE KLERK
REGINA RICHARDSON
RYAN VAN DER WALT
SHANA MARKRAM
TRACY TERINK

First Respondent
Second Respondent
Third Respondent
Fourth Respondent
Fifth Respondent
Sixth Respondent
Seven Respondent
Eighth Respondent
Ninth Respondent
Tenth Respondent
Eleventh Respondent
Twelfth Respondent

SUMMARY

Jurisdiction – Application for lack of jurisdiction - Section 21 of the Superior Courts Act 10 of 2013 – Court has application

MAKUME, J:

The Applicant being the fourth respondent, seeks an order declaring that this court sitting in Johannesburg lacks jurisdiction as he does not reside, work or carry on business within the court's jurisdiction and; none of the other grounds of jurisdiction are present.

The court looked referred to section 21(1) and (2) of the Superior Courts Act 10 of 2013, and concluded that the legislation was clear and contained no ambiguity. The sections provides that a Division has jurisdiction over any person residing or being outside of its area of jurisdiction who is joined as a party to the cause of action in which such court has jurisdiction...if the said person resides or is within the area of jurisdiction of any other division.

The court held that had jurisdiction to deal with the matter as the fourth respondent had been joined to the matter, although he is not within the courts area of jurisdiction. The application was dismissed with costs including costs of two counsel.