

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

CASE NO. 7016/2019

REPORTABLE: NO

OF INTEREST TO OTHER JUDGES: NO

REVISED: NO

06 May 2022

In the matter between:

**SOUTH AFRICAN NATIONAL CIVIC ORGANISATION      APPLICANT**

**and**

<b>BAKOENA RAMOSIE</b>	<b>1<sup>ST</sup> RESPONDENT</b>
<b>ISAAC PLAATJIES</b>	<b>2<sup>ND</sup> RESPONDENT</b>
<b>BHEKI KAHNYILE</b>	<b>3<sup>RD</sup> RESPONDENT</b>
<b>ROY MOODLEY</b>	<b>4<sup>TH</sup> RESPONDENT</b>
<b>PACKET SEAKETSO</b>	<b>5<sup>TH</sup> RESPONDENT</b>

**JUDGMENT**

**L I VORSTER, AJ:**

1. This is an application where the Applicant claims from the Respondents the following relief:

*“1. A declaratory order is granted that the National Conference held on the 19<sup>th</sup> of January 2019 by the Applicant was in line with the Constitution and SANCO and:*

*1.1. Confirming the election process conducted by Electoral Institute for Sustainable Democracy in Africa (EISA) on 19 January 2019, to have been credible and legitimate in accordance with the requirement of the Constitution of SANCO.*

1.2. *That all resolutions taken in the 6<sup>th</sup> National Conference held on the 19<sup>th</sup> January 2019 to be legal and valid.*

1.3. *That the elected National Executive Committee on 19 January 2019 be declared the only constitutional and recognised structure of SANCO.*

1.4. *That the First, Second, Third, Fourth and Fifth Respondents forming the National Interim Leadership Committee be declared an unconstitutional structure of SANCO and, that it be further interdicted from continuing acting as a constitutionally formed structure of SANCO.*

1.5. *That the First, Second, Third, Fourth and Fifth Respondents be further interdicted from acting as the National Interim Leadership Committee of SANCO and carrying on business, organisational activities and addressing the media and other forums under the letterhead and umbrella of SANCO.”*

2. The Respondents are all members of the Applicant. The founding affidavit of the application is made by Michael Soko who claims to be the General Secretary of the Applicant claiming the relief set out above.

3. It appears from the documents filed of record that this application is the culmination of a long-standing dispute between the Respondents and other members of the Applicant. The gist of the dispute between the parties is the question whether a valid National Conference was held on the 19<sup>th</sup> of January 2019 or whether a National Interim Leadership Committee was elected on that date having the First, Second, Third, Fourth and Fifth Respondents as members. Needless to say, the papers are riddled with factual disputes between the parties. It appears that this is a long-standing dispute between the parties which emanates from as long ago as 2018. I have come to the conclusion that it is undesirable, if at all possible, to sort out the factual disputes between the parties or even referring some factual disputes for oral evidence as a means to come to a decision on the issues in this application. Consequently, I am of the view that the only practical way to resolve this long-standing dispute between the parties is that it should be referred to trial so that the contesting parties can give evidence, get cross-examined and a Court can make a proper decision and findings on the disputed facts to dispose of this application.

4. In the result, I make the following order:

- “1. The matter is referred to trial.*
- 2. The Applicant must file a declaration setting out its cause of action and the facts relied upon as well as the relief claimed.*
- 3. The rules of Court relating to action proceedings will apply to the action until its conclusion.*
- 4. The declaration referred to above must be filed and served within 15 days from date of this order.*
- 5. The costs of this application will be costs in the action to follow.”*

**L I VORSTER SC, AJ**

Acting Judge of the High Court

HEARD ON: 20 APRIL 2022

DECIDED ON: 06 MAY 2022

For the Applicants: ADV V P Ngutshana  
Instructed by Masondo Malope Attorneys  
Incorporated

For the Respondents: KWINANA MABUSA NKOME INC