

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG PROVINCIAL DIVISION, PRETORIA)

CASE NUMBER:

In the application of:

THE LAW SOCIETY OF SOUTH AFRICA

Applicant

and

MABUNDA INCORPORATED	1 st Respondent
KEKANA HLATSWAYO ADEBE INCORPORATED	2 nd Respondent
NOKO MAIMELA INCORPORATED	3 rd Respondent
MAPONYA INCORPORATED	4 th Respondent
TM CHAUKE INCORPORATED	5 th Respondent
NINGIZA HORNER INCORPORATED	6 th Respondent
TASNEEM MOOSA INCORPORATED	7 th Respondent
BORMAN AND NGWENYA INCORPORATED	8 th Respondent
MKHONTO AND NGWENYA INCORPORATED	9 th Respondent
MADUBA ATTORNEYS INCORPORATED	10 th Respondent
IQBAL MAHOMMED ATTORNEYS	11 th Respondent
TKN INCORPORATED	12 th Respondent
DEV MAHARAJ & ASSOCIATES	13 th Respondent
SARAS SAGATHEVAN ATTORNEYS	14 th Respondent
SHEREEN MEERSINGH & ASSOCIATES	15 th Respondent
SMITH TABATA ATTORNEYS	16 th Respondent
PULE INCORPORATED	17 th Respondent
BRIAN RAMABOA ATTORNEYS	18 th Respondent
GOVINDASAMY, NDZINGI & GOVENDER INC	19 th Respondent
HAMMANN-MOOSA INC	20 th Respondent
MATHOBO RAMBAU SIGOGO ATTORNEYS	21 st Respondent

MAYAT NURICK LANGA INC	22 nd Respondent
SCMDHLULI ATTORNEYS INCORPORATED	23 rd Respondent
HAJRA PATEL INC	24 th Respondent
Z & Z NGOGODO INC	25 th Respondent
TWALA ATTORNEYS	26 th Respondent
SANGHAM INCORPORATED	27 th Respondent
RACHOENE ATTORNEYS	28 th Respondent
ZUBEDAK K SEEDAT & CO INCORPORATED	29 th Respondent
DUDZILE HLEBELA INC	30 th Respondent
MOCHE INCORPORATED ATTORNEYS	31 st Respondent
MARIVATE ATTORNEYS	32 nd Respondent
MGWESHE NGQELENI INC	33 rd Respondent
LEKHU PILSON ATTORNEYS INC	34 th Respondent
AK ESSACK, MORGAN NAIDOO & COMPANY	35 th Respondent
MOLABA ATTORNEYS	36 th Respondent
NAIDOO MAHARAJ INC	37 th Respondent
HARKOO BRIJLALA & REDDY INC	38 th Respondent
MATHIPANE TSEBANE ATTORNEYS	39 th Respondent
MORARE THOBEJANE INCORPORATED ATTORNEYS	40 th Respondent
NOMPUMELELO HADEBE INC	41 st Respondent
MBOWENI AND PARTNERS INC	42 nd Respondent
ROAD ACCIDENT FUND	43 rd Respondent

In re the matter of:

MABUNDA INCORPORATED	1 st Applicant
KEKANA HLATSWAYO ADEBE INCORPORATED	2 nd Applicant
NOKO MAIMELA INCORPORATED	3 rd Applicant
MAPONYA INCORPORATED	4 th Applicant
TM CHAUKE INCORPORATED	5 th Applicant
NINGIZA HORNER INCORPORATED	6 th Applicant

TASNEEM MOOSA INCORPORATED	7 th Applicant
BORMAN AND NGWENYA INCORPORATED	8 th Applicant
MKHONTO AND NGWENYA INCORPORATED	9 th Applicant
MADUBA ATTORNEYS INCORPORATED	10 th Applicant
IQBAL MAHOMMED ATTORNEYS	11 th Applicant
TKN INCORPORATED	12 th Applicant
DEV MAHARAJ & ASSOCIATES	13 th Applicant
SARAS SAGATHEVAN ATTORNEYS	14 th Applicant
SHEREEN MEERSINGH & ASSOCIATES	15 th Applicant
SMITH TABATA ATTORNEYS	16 th Applicant
PULE INCORPORATED	17 th Applicant
BRIAN RAMABOA ATTORNEYS	18 th Applicant
GOVINDASAMY, NDZINGI & GOVENDER INC	19 th Applicant
HAMMANN-MOOSA INC	20 th Applicant
MATHOBO RAMBAU SIGOGO ATTORNEYS	21 st Applicant
MAYAT NURICK LANGA INC	22 nd Applicant
SCMDHLULI ATTORNEYS INCORPORATED	23 rd Applicant
HAJRA PATEL INC	24 th Applicant
Z & Z NGOGODO INC	25 th Applicant
TWALA ATTORNEYS	26 th Applicant
SANGHAM INCORPORATED	27 th Applicant
RACHOENE ATTORNEYS	28 th Applicant
ZUBEDAK K SEEDAT & CO INCORPORATED	29 th Applicant
DUDZILE HLEBELA INC	30 th Applicant
MOCHE INCORPORATED ATTORNEYS	31 st Applicant
MARIVATE ATTORNEYS	32 nd Applicant
MGWESHE NGQELENI INC	33 rd Applicant
LEKHU PILSON ATTORNEYS INC	34 th Applicant
AK ESSACK, MORGAN NAIDOO & COMPANY	35 th Applicant
MOLABA ATTORNEYS	36 th Applicant
NAIDOO MAHARAJ INC	37 th Applicant

HARKOO BRIJLALA & REDDY INC	38 th Applicant
MATHIPANE TSEBANE ATTORNEYS	39 th Applicant
MORARE THOBEJANE INCORPORATED ATTORNEYS	40 th Applicant
NOMPUMELELO HADEBE INC	41 st Applicant
MBOWENI AND PARTNERS INC	42 nd Applicant

and

ROAD ACCIDENT FUND	Respondent
---------------------------	------------

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT the Law Society of South African (“**LSSA**”) intends applying at the hearing of this matter on 17 March 2020 at 10h00 or as soon thereafter as counsel may be heard, for an order in the following terms:

1. That the forms, service and time periods prescribed by the Uniform Rules of Court are dispensed with and that the application is heard as one of urgency in terms of Rule 6(12) of the Uniform Rules of Court;
2. That the LSSA is granted leave to intervene as an *amicus curiae* in terms of Rule 16A of the High Court Rules alternatively in terms of the common law;
3. To the extent necessary, that any non-compliance by the LSSA with Rule 16A is condoned in terms of Rule 16(9);
4. *Alternatively* to the LSSA being permitted to intervene as an *amicus curiae*, the LSSA is permitted to intervene as a co-applicant;
5. On being permitted to intervene, whether as *amicus curiae* or co-applicant, the applicant supports the grant of the following relief -

- 5.1. Pending the adjudication and finalisation of the review in Part B;
 - 5.1.1 the Respondent (in the main application) is interdicted and restrained from implementing and/or giving effect to its notice of handover addressed to the Applicants (in the main application) and all panel attorneys of the respondent dated 18 February 2020 and 20 February 2020 respectively;
- 5.2. Part B
 - 5.2.1. It is declared that the decision of the Respondent (in the main application) dated 18 February 2020 and 20 February 2020 to demand from the panel attorneys to handover all unfinalized files in their possession to the Respondent (in the main application) is unlawful, unconstitutional and invalid;
 - 5.2.2. The decision of the Respondent (in the main application) communicated in a letter dated 18 February and 20 February 2020 demanding that the panel attorney's handover all unfinalized files in their possession to the Respondent (in the main application) is reviewed and set aside;
 - 5.2.3. It is declared that the purported cancellation of tender number RAF/2018/00054 by the Respondent (in the main application) on or about 26 February 2020 and on 2 March 2020 is unlawful, unconstitutional and invalid;
 - 5.2.4. The decision of the Respondent (in the main application) to cancel tender number RAF/2018/00054 on or about 26 February 2020 and 2 March 2020 is reviewed and set aside;
 - 5.2.5. The Respondent (in the main application) is directed to withdraw the handover notice dated 18 February 2020 and 20 February 2020 forthwith;
 - 5.2.6. The Respondent (in the main application) is directed to

withdraw the tender cancellation notice dated 26 February 2020 and 2 March 2020 forthwith.

6. The Respondent is ordered to pay the costs of this application;

7. Further and/or alternative relief.

AND KINDLY TAKE NOTICE THAT LSSA intend relying on the affidavit of JOHANNES CONELIS JANSE VAN RENSBURG and annexures thereto in support thereof.

TAKE NOTICE FURTHER that LSSA have appointed the offices of Mothle Jooma Sabdia Inc, at the address set out below, at which address they will accept notice of service of all processes in these proceedings.

TAKE NOTICE FURTHER that if you intend filing an opposing affidavit, you are required to do so by 17h00 on 16 March 2020.

KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.

DATED AT PRETORIA ON THIS 16th DAY OF MARCH 2020.

MOTHLE JOOMA SABDIA INCORPORATED

Attorneys for Intervenor

Ground Floor Duncan Manor

150 Brooks Street

Cnr Jan Shoba - & Brooks Street

PRETORIA

REF: MR T A MOTHE / LOUISE/TAM4988

TO:

The Registrar of the above Honourable Court

PRETORIA

AND TO:**MABUNDA INCORPORATED**

Applicants' Attorneys

02 Protea Road, Cnr Riley

Bedfordview, 2007

Tel: (011) 4501641/2284

Fax: (011) 450 1566

Email: director@mabundainc.com

C/O Ramaselela Me Attorneys Suite 709

7th Floor, Olivetti House

100 Pretorius Street

Pretoria

Fax: 086 4653010

Tel: 0627690205

Email: mosherams@gmail.com

AND TO: ATTORNEYS FOR THE RESPONDENT**VAN GREUNEN & ASSOCIATES INC**

Unit 2, Equity Estate

Charles De Gaulle Crescent

Highveld, Centurion

Pretoria

Tel: 012 661 2065

Fax: 012 661 5494

Email: jvg@vga.co.za

Ref: JVG/RAF1/0023/mvdh