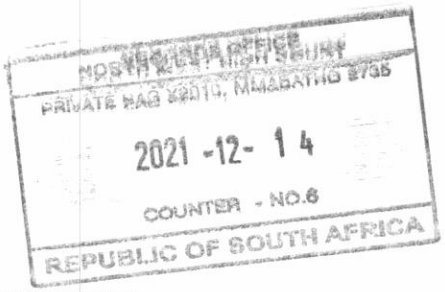
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IN THE HIGH COURT OF SOUTH AFRICA

NORTH WEST DIVISION, MAHIKENG

Case No: **UM 169/2019**



In the matter between:

SAKELIGA NPC	First Applicant
JACOBUS JOHANNES ROOTMAN	Second Applicant
JACOBUS PHILIPPUS SNYMAN	Third Applicant

and

KGELETLENGRIVIER LOCAL MUNICIPALITY	First Respondent
THE MUNICIPAL MANAGER, KGETLENGRIVIER LOCAL MUNICIPALITY	Second Respondent
IDEAL PREPAID (PTY) LTD	Third Respondent
THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Fourth Respondent
THE MINISTER OF FINANCE	Fifth Respondent
THE MEMBER OF THE EXECUTIVE COMMITTEE FOR LOCAL GOVERNMENT, NORTH WEST PROVINCE	Sixth Respondent
THE MEMBER OF THE EXECUTIVE COMMITTEE FOR FINANCE, NORTH WEST PROVINCE	Seventh Respondent

Documents Filed by:
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NOTICE OF MOTION

TAKE NOTICE that the Applicants shall make application to this Honourable Court on a date to be allocated by the Registrar or as soon thereafter as counsel for the Applicants may be heard for an order in the following terms:

1. That the first respondent's and second respondent's defence in respect of Part B of the main application be struck out.

2. In the alternative to prayers 1 above, the following order is made:

   2.1 The first and second respondents are ordered to deliver a supplementary record in terms of Rule 53(1)(b) within 21 days from the date of this order, including the following:

      2.1.1 copies of all documentation relating to the first respondent's municipal council's decision to appoint the third respondent to provide services to the first respondent;

      2.1.2 copies of all documentation relating to powers and delegations of authority by the first respondent to the third respondent to act on its behalf;

      2.1.3 copies of all communications between the first respondent, second respondent and third respondent regarding the appointment of the

third respondent, with specific reference to the period of January 2018 to December 2019;

2.1.4 copies of all communications between the first respondent, fifth respondent, sixth respondent and/or the seventh respondent regarding the appointment of the third respondent;

2.1.5 a copy of the feasibility study done by the first respondent in respect of the appointment of the third respondent;

2.1.6 copies of all submissions made by the first respondent, alternatively the second respondent to the seventh respondent and/or the fifth respondent regarding the future budgetary implications of the third respondent;

2.1.7 copies of all minutes of meetings and/or resolutions passed by the council of the first respondent for the period 1 January 2015 to 1 January 2020;

2.2 The first and/or second respondents are ordered to provide full reasons for the impugned decision by the first respondent and/or the second respondent in terms of which the third respondent was appointed.

2.3 In the event that any of the aforementioned documentation are not provided, the first and/or second respondents are ordered to provide, simultaneously with the supplementary record, comprehensive reasons and details under oath as to why such documentation are not available and/or not within the possession of the first and/or second respondent,

including full and comprehensive details as to all steps taken, searches conducted and other respondents or officials consulted to obtain such documentation and where the documents are to be found.

2.4 Should the first and/or second respondents fail to comply with any of the orders granted in terms of prayers 2.1, 2.2, and 2.3 above, that the applicants be permitted to make application on the same papers, suitably amplified, for an order that the first and second respondents be declared to be in contempt of court and ancillary relief relating to such declaration of contempt or any other appropriate relief including final relief in terms of Part B of the Notice of Motion in the main review application.

3. The first respondent is ordered to pay the costs of this application on the scale as between attorney and client.

4. Further and/or alternative relief.

TAKE FURTHER NOTICE that the accompanying founding affidavit attached to this notice of motion, deposed to by **PETER JOHANNES WASSENAAR** and annexures thereto, will be used in support of this application.

TAKE FURTHER NOTICE that if the respondent(s) intends to oppose this application, the respondent(s) is required to:

(a) notify the applicants' attorneys and the Registrar of this Honourable Court thereof within **5 (five) days** from service of this application.

(b) file an answering affidavit, if any, within **15 (fifteen) days** after having so given notice of intention to oppose this application.

TAKE FURTHER NOTICE that the respondent(s) is required, in the notice of intention to oppose, to appoint an address as referred to in Rule 6(5)(b) at which it will accept notice and service of all documents in these proceedings.

TAKE FURTHER NOTICE that if no notice of intention to oppose is given as set out above, application will be made to the above Honourable Court on a date to be allocated on the unopposed motion roll by the Registrar of this Honourable Court.

SIGNED AT PRETORIA ON THIS THE 14th DAY OF December 2021.

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TO: **THE REGISTRAR OF THE HIGH COURT**
NORTH WEST DIVISION, MAHIKENG

AND TO: **MOSIRE TSIANE ATTORNEYS**
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COPY RECEIVED WITHOUT PREJUDICE
Date: 14/12/2021
Time: 12:15
Signed by: Lethogonolo
Kgomo Attorneys Inc.

Received copy hereof on the_____day of December 2021

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Attorneys for the First and Second Respondents

AND TO: **GUNZENHAUSER ATTORNEYS**
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Received copy hereof on the_____day of December 2021

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Attorneys for the Third Respondent