



IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO: 12745/18

ON THE 12TH DAY OF MAY 2022

BEFORE THE HONOURABLE ACTING JUDGE PRESIDENT MADONDO; and

BEFORE THE HONOURABLE JUDGE OLSEN

In the matter between:

COUNCIL FOR THE ADVANCEMENT OF THE
SOUTH AFRICAN CONSTITUTION

1ST APPLICANT

RURAL WOMEN'S MOVEMENT

2ND APPLICANT

HLETSHELWENI LINA NKOSI

3RD APPLICANT

BONGANI ZIKHALI

4TH APPLICANT

ZAKHELE MALCOLM NKWANKWA

5TH APPLICANT

HLUPHEKILE BHETINA MABUYAKHULU

6TH APPLICANT

BONGI GUMEDE

7TH APPLICANT

KN

8TH APPLICANT

SM

9TH APPLICANT

and



THE INGONYAMA TRUST

1ST RESPONDENT

THE INGONYAMA TRUST BOARD

2ND RESPONDENT

THE MINISTER OF RURAL DEVELOPMENT
AND LAND REFORM

3RD RESPONDENT

THE MEC FOR CO-OPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS, KWAZULU-NATAL

4TH RESPONDENT

KWAZULU-NATAL PROVINCIAL HOUSE OF
TRADITIONAL LEADERSHIP

5TH RESPONDENT

HAVING read the Notice of Motion, and the other documents filed of record; and

HAVING heard Counsel for the Applicants;

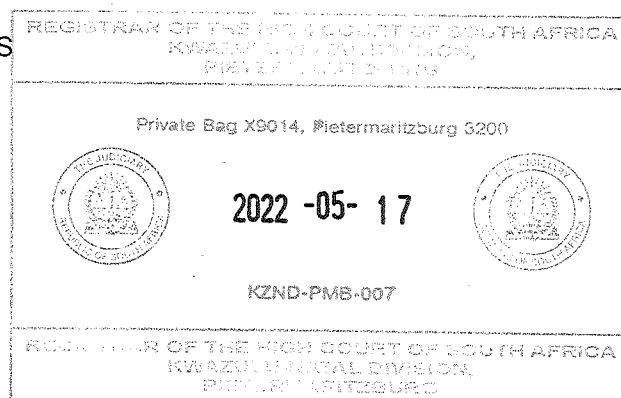
IT IS ORDERED THAT:

1. The Ingonyama Trust and the Ingonyama Trust Board are granted leave to appeal to the Supreme Court of Appeal against the judgment of the Full Court handed down on 11 June 2021, but not on the grounds set out in paragraphs 35 and 36 of the notice of application for leave to appeal dated 5 July 2021. (hereinafter called the 'recusal point').
2. The application for an order declaring the proceeding before the Full Court and the judgment of the Full Court a nullity, and for an order setting them aside, as well as the application to introduce the recusal point as a ground of appeal, are dismissed with costs. the liability therefore being joint and several as between the Ingonyama Trust and the Ingonyama Trust Board.
3. Subject to paragraph 2 above, and subject also to any contrary order made by the Supreme Court of Appeal, the costs of the application for leave to appeal shall be costs in the appeal.

BY ORDER OF THE COURT


R J JOOSTE
REGISTRAR

M BHYAT ATTORNEYS



/AGOBA
17/05/2022