

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA**

Case Number:

In the matter between:

**ISAAC RASEPITILE PITJE**

**APPLICANT**

and

**JOSIAH OUPA SHIBAMBO**

**1<sup>ST</sup> RESPONDENT**

**ESTHER VELEMINAH SHIBAMBO**

**2<sup>ND</sup> RESPONDENT**

**CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

**3<sup>RD</sup> RESPONDENT**

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**NOTICE OF MOTION**

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BE PLEASED TO TAKE NOTICE THAT **ISAAC RASEPITILE PITJE**, [hereinafter called "the Applicant"] hereby applies to this Court, for an order in the following terms:

1. That the Applicant be granted leave to appeal to this Court the entire judgment made by **JUSTICE LEGODI** on the **17<sup>TH</sup> FEBRUARY 2015** sitting in the **HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION-PRETORIA** under Case Number: **77700/2010**.

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2. That the Applicant be granted leave to file the judgment of **JUSTICE LEGODI** refusing leave to appeal, within a period of 15 days from the date of the Applicant receiving the same from the transcribers of the records of the Court *a quo*.
3. That the costs of this application be costs in the appeal, however, if unreasonably opposed then such costs be borne by any of the Respondent(s) so opposing on a suitable scale.

4. That such further and/or alternative relief be granted to the Applicant as it may be justifiable in the circumstances.

TAKE FURTHER NOTICE THAT the accompanying Founding Affidavit of **ISAAC RASEPITILE PITJE** together with all its attachments will be used in support of this Notice of Motion.

TAKE FURTHER NOTICE THAT any of the Respondents may respond in writing within a period of 10 (ten) days from the date of lodging of this Notice of Motion indicating whether or not the application for leave to appeal is being opposed, and if so the grounds for such opposition.

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DATED AND SIGNED AT PRETORIA ON THE 27<sup>TH</sup> DAY OF JULY 2015.

(SGND) V SIBIYA

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**MTHEMBU SIBIYA ATTORNEYS**

ATTORNEYS FOR APPLICANT

SUITE 103, 1<sup>ST</sup> FLOOR

RENTBEL TOWERS

14 BUREAU LANE

PRETORIA, 0002

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THE TRAMSHED, 0126

TEL: (012) 770-4045

FAX: (012) 323-4008

**C/O LENNON MOLEELE & PARTNERS**

THIRD FLOOR

KLAMSON TOWERS

151 COMMISSIONER STREET

JOHANNSEBURG

REF: VS/LP/477/10/2014

TO: **REGISTRAR OF THE COURT**

CONSTITUTIONAL COURT OF SOUTH AFRICA

JOHANNESBURG

AND TO: **REGISTRAR OF THE COURT**

HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

AND TO: **MACROBERT INC.**

ATTORNEYS FOR 1<sup>ST</sup> & 2<sup>ND</sup> RESPONDENT

MACROBERT BUILDING

COR. CHARLES & DUNCAN STREET

BROOKLYN

PRETORIA

REF: R. SULIMAN/FC/1012214

RECEIVED A COPY HEREOF ON  
THE \_\_\_\_\_ DAY OF JULY 2015.

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AND TO: **CITY OF TSHWANE METROPOLITAN MUNICIPALITY**

THE 2<sup>ND</sup> RESPONDENT

13<sup>TH</sup> FLOOR

SAAMBOU BUILDING

227 ANDRIES STREET

PRETORIA

RECEIVED A COPY HEREOF ON

THE \_\_\_\_\_ DAY OF JULY 2015.

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**IN THE CONSTITUTIONAL COUR**