

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: CCT 42/2012

CASE NUMBER A QUO: **1413/2009 NWHC**

In the matter between:

PONTSO DOREEN MOTSWAGAE

First Applicant

FOURTEEN OTHERS

Second to Fifteenth Applicants

and

RUSTENBURG LOCAL MUNICIPALITY

First Respondent

PROMPTIQUE TR 9 CC

Second Respondent

**FOUNDING AFFIDAVIT
APPLICATION FOR CONDONATION**

I, the undersigned,

LOUISE DU PLESSIS

make oath and state -

- 1 I am the attorney of record for the Applicants. I practice as such at Gilfillan Du Plessis Incorporated at 357 Visagie street, Pretoria.
- 2 The facts and allegations herein fall within my personal knowledge, unless the contrary appears from the context and are, to the best of my knowledge

and belief both true and correct.

- 3 This affidavit is made in support of the application to condone the late filing of the record, properly paginated and indexed.

NATURE OF THE DELAY

- 4 The record, properly paginated and indexed, was not filed on Tuesday 28 August 2012, as required by the directions issued by this court on 6 August 2012. The record will be filed two court days late on 30 August 2012. I wish to explain the non-compliance and request condonation for the late filing.

EXPLANATION

- 5 The reason for the delay in filing the record relates to unforeseen administrative and logistical difficulties.

5.1 A delay in obtaining various documents, which formed part of the record before the North West High Court and are necessary for the determination of the issues in the application, was experienced.

5.2 Our office became involved with a number of unforeseen urgent eviction matters, which resulted in significant capacity restrictions and caused a delay in the finalisation of the record.

5.3 The approval of funding caused a delay in the finalisation of the printing process.

PREJUDICE TO THE PARTIES

6. Having Regard to the Facts that –
 - 6.1 The delay was of two days; and
 - 6.2 The Applicants will still file their written argument on Tuesday 11 September 2012, as required by the Directions of 06 August 2012; and
 - 6.3 The record will have been submitted a little less than three months prior to the hearing of this matter.

7. I respectfully submit that none of the other parties has been prejudiced by the delay.

CONCLUSION

8. I apologise for any inconvenience caused to the court. The delay is minimal and I submit that granting condonation is appropriate under the circumstances.

9. Considering the importance of this matter to all the parties, I submit that it is appropriate that it continue as scheduled.

10. I therefor pray that condonation be granted as asked in the Notice of Motion.

Deponent

Thus signed and sworn to before me on this _____ day of August 2012 at Pretoria by the deponent, she having confirmed that she is acquainted with the content of the affidavit, that it is the truth and that she has no objection in taking the prescribed oath. She then took the prescribed oath.

Commissioner of oaths

Name:

Address:

Capacity: