Court X

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

HELD AT BRAAMFONTEIN

CC CASE NO : CCT121/24

SCA CASE NO : 189/2023

LCC CASE NO : 70/2022

In the matter between:

MAGALONE MEREKI FIRST APPLICANT

TOPIES MEREKI SECOND APPLICANT

DIKHOTSO MEREKI THIRD APPLICANT

and

MOLADORA TRUST FIRST RESPONDENT

DEPARTMENT OF AGRICULTURE, RURAL

DEVELOPMENT AND LAND REFORM SECOND RESPONDENT

FILING NOTICE

KINDLY TAKE NOTICE that applicant herein files their supplementary affidavit

DATED AND SIGNED AT VRYBURG ON THIS THE 02ND DAY OF MAY 2024

D. SOMO

LEGAL AID SOUTH AFRICA

VRYBURG LOCAL OFFICE

Attorney for Applicants

71 Vry Street

VRYBURG, 8601

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C/OLEGAL AID SOUTH AFRICA

MR. T. MBHENSE

6TH FLOOR

29 De Beer Street

BRAAMFONTEIN

JOHANNESBURG

TEL: 011 877 2000

TO: **THE REGISTRAR**

Constitutional Court

BRAAMFONTEIN

AND TO: **MOOLMAN AND PIENAAR INCORPORATED**

Attorney for First Respondent

57 Maree Street

POTCHEFSTROOM

and 400 Old Howick Road

HILTON

MOOLMAN & PIENAAR INC.
Prokureurs / Attorneys
2024 -05- 02
"RECEIVED WITHOUT PREJUDICE"
TIME: 12:33

Ref: Ms. C Pienaar/Mr. HJ Moolman/MAT10044

Email: clarissap@mmlaw.co.za / hj@mmlaw.co.za

Tel: 018 297 8799 / 033 024 0421

AND TO: **STATE ATTORNEY, PRETORIA**

Attorneys for Second Respondent

255 Thabo Sehume Street

cnr Thabo Sehume & Francis Baard Streets

PRETORIA

Tel: 012 309 1627

Ref :2046/2022/259

STATE ATTORNEY
RECEPTION
2024 -05- 02
PRIVATE BAG/PRIVAATSAK X91
PRETORIA 0001 (8)
STAATSPROKUREUR

15H29

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CCT:

SCA Case No: 189/2023
LCC Case No: 70/2022

In the matter between:

MAGALONE MEREKI	First Applicant
TOPIES MEREKI	Second Applicant
DIKHOTSO	Third Applicant

and

MOLADORA TRUST	First Respondent
DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT	Second Respondent

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SUPPLEMENTARY AFFIDAVIT

I, the undersigned

MAGALONE MEREKI

do state under oath:

1. I am an adult male, resident at the farm commonly known as the farm Wildebeeslaagte No.282 situated in Hartbeesfontein, registration division IP, Klerksdorp, North West Province, hereinafter referred to as "the farm". I am duly authorised to depose to this affidavit on behalf of all the applicants in this matter.

2. The facts contained herein are, unless otherwise stated or indicated by the context, within my personal knowledge and to the best of my belief both true and correct. Where I make legal submissions, I do so on the advice of my legal representatives. I believe that advice is correct.

3. On Thursday, 25 April 2024, I deposed to the founding affidavit. The founding affidavit was filed in this Court on Friday, 26 April 2024, in support of the application for leave to appeal against the whole judgment (except the order on costs) of the Supreme Court of Appeal in *Moladora Trust v Mereki and Others (189/2023) [2024* ZASCA 37, handed down on 3 April 2024.

4. After filing the application, I noticed that in founding affidavit, I omitted to describe the parties and their interest in the application.

5. For completeness, this affidavit is filed to supplement the founding affidavit by adding the following:

5.1 The second applicant is **TOPSIE MEREKI**, an adult male resident at the farm commonly known as the farm Wildebeeslaagte No.282 situated in Hartbeesfontein, registration division IP, Klerksdorp, North West Province, hereinafter referred to as "the farm.

5.2 The third applicant is **DIKHOTSO MEREKI**, an adult male resident at the farm commonly known as the farm Wildebeeslaagte No.282 situated in Hartbeesfontein, registration division IP, Klerksdorp, North West Province, hereinafter referred to as "the farm.

5.3 The first respondent is **MOLADORA TRUST**, a trust registered in accordance with the South African laws under registration number IT.627/2000 with its main place of business situated at the remaining extent of the farm Rietfontein no. 542 Registration Division I.P, Hartbeesfontein, North West Province.

5.4 The second respondent is the **DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT**, a state department in the government of the Republic of South Africa finding its existence in terms of section 10 of the Constitution of the Republic of South Africa, with its national office situated at Agriculture Place, 20 Steve Biko Street, Arcadia, Pretoria, South Africa, care of the State Attorney, SALU Building, 316 Thabo Sehume Building, Pretoria, South Africa. The second respondent is cited because of the interest it may have in this matter. There is no relief sought against the second respondent.

6. The filling of this supplementary affidavit will not cause any prejudice and inconvenience to the respondents because:

6.1 The respondents have not filed any response or answering affidavit indicating whether or not the application for leave to appeal is being opposed, and if so the grounds for such opposition as set out in rule 19 (4) (a) of the Rules of this Court.

6.2 The application for leave to appeal was filed on Friday, 26 April 2024, and this supplementary affidavit is filed on Tuesday, 29 April 2024.

7. Considering the nature of this matter, the interest of the applicants and the infringement of their rights of security of tenure (s 25 (6) of the Constitution), it is in interest of justice to allow the applicants to supplement their founding affidavit.

8. In conclusion, the applicants supplements and or seek leave to supplement their founding affidavit.

MAGALONE MEREKI

I certify that-

(a) the deponent–

(i) acknowledged that he knows and understands the contents of this declaration;

(ii) informed me that he does not have any objection to taking the prescribed oath;

(iii) informed me that he considers the prescribed oath to be binding on his conscience;

(b) the deponent then uttered the words, 'I swear that the contents of this declaration are true, so help me God'; and

(c) the deponent signed this declaration in my presence at [illegible] on the 02 day of MAY 2024.

TIRELO YA MAPOLISI A AFRIKA BORWA
COMMUNITY SERVICE CENTRE
2024 -05- 02
HARTBEESFONTEIN
SUID-AFRIKAANSE POLISIEDIENS
SOUTH AFRICA POLICE SERVICE

COMMISSIONER OF OATHS

FULL NAMES

DESIGNATION

AREA

TIRELO YA MAPOLISA A AFRIKA BORWA
COMMUNITY SERVICE CENTRE
2024 -05- 02
HARTBEESFONTEIN
SUID-AFRIKAANSE POLISIEDIENS
SOUTH AFRICA POLICE SERVICE