

IN THE LAND CLAIMS COURT OF SOUTH AFRICA
HELD AT RANDBURG

~~11~~ 11
P.J.
SPILGATP
12/5/2021.

Case number: LCC 171/2008C
LCC 171/2008D

In the matter between:

BJ SMIT TRUST AND 274 OTHERS 2nd – 275th Applicants

And

MUTSEI, PHATUWANI COLLINS 1st Respondent

THE MINISTER OF RURAL DEVELOPMENT

AND LAND REFORM 2st Respondent

REGIONAL LAND CLAIMS COMMISSIONER

GAUTENG AND NORTH WEST PROVINCE 3RD Respondent

In the matter between:

MEKGARENG COMMUNITY 1st Claimant/Plaintiff

FRANS BOTINYANA MAKUWE 2nd Claimant/Plaintiff

Concerning:

THE FARM BOEDERSTROOM 481 JQ & OTHERS

THE MINISTER OF RURAL DEVELOPMENT

AND LAND REFORM 1st Defendant

BJ SMIT TRUST AND 274 OTHERS 2nd – 275th Defendants

OTHER INTERESTED PARTIES 276th and further Defendants

DRAFT ORDER

HEARING OF 21 April 2021 RE COSTS

IT IS ORDERED THAT

1. In respect of the application dated 11 December 2017 under case no LCC 171/2008C compelling the second and third respondents to comply with the court directive of 13 October 2017; the second and third respondents are jointly and severally liable to pay to the applicant
 - a. Opposed costs on the attorney and client scale up to 11 April 2019, save that: the attorney and client costs of the hearing of 13 October 2017 and 25 March 2019 shall be on the unopposed scale
 - b. Opposed costs on the ordinary party and party scale as from 12 April 2019 inclusive of the costs of the hearings of 30 November 2020 and 20 April 2021;
2. In respect of the application signed on 23 October 2020 under case no LCC171/2008D compelling the first to third respondents to provide a set-down date for the first mentioned application; the second and third respondents are jointly and severally liable to pay to the applicant the unopposed costs on the attorney and client scale, save that;
 - a. there shall be no costs allocated to the hearings of 30 November 2020 and 20 April 2021 in respect of this application (i.e. under case number LCC171/2008D); and
 - b. the costs of counsel in settling any papers or for any other work are no more than the fees charged by junior counsel of not more than five years' experience

BY ORDER

**REGISTRAR OF THE
LAND CLAIMS COURT**