



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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Sondhlane v The South African Legal Practice Council (082/2025) [2025] ZASCA 78 (25 May 2026)

The Supreme Court of Appeal (SCA) handed down judgment refusing an application for condonation, with costs on an attorney-and-client scale in favour of the respondent, in relation to an appeal from the Free State Division of the High Court, Bloemfontein (the high court).

Mr Lebohang Michael Sondhlane (the applicant) had practised as an attorney under the name and style of LM Mokhele Attorneys Incorporated until 23 November 2022, when he was suspended from practice. On 7 September 2023, the South African Legal Practice Council (the LPC) applied to the Free State Division of the High Court, Bloemfontein (the high court), to strike the applicant's name from the roll of legal practitioners. On 8 January 2024, the high court (Van Zyl J and Vele AJ) granted this order and directed him to immediately surrender his certificate of admission and enrolment (the striking-off order). The inescapable inference from the applicant's name change and that of his practice was that he did this to continue practising despite the striking-off order.

Among the factors leading up to the striking-off application were two complaints: the Yawa complaint and the Tau complaint, in which the LPC found that the applicant had misappropriated funds. The LPC made recommendations of misconduct and applied for his suspension. The Yawa-based application was dismissed due to pending disciplinary proceedings, while the Tau-based application was granted as a rule *nisi*, suspending him pending a striking-off application (the interim suspension order).

On 2 December 2022, the applicant applied for leave to appeal the interim suspension order. On 5 December 2022, his attorneys notified the LPC that the order was suspended due to the appeal and that he would resume practice. The LPC warned him on 6 December 2022, but he continued practising and appearing in court. Consequently, the LPC launched a contempt application, and the high court

found him guilty of contempt, imposing one month's imprisonment suspended on condition of compliance.

At the hearing of his application for leave to appeal on 24 March 2023, the applicant conceded he could not fault the order and admitted transferring funds from the Tau estate account, but argued that repayment of those funds constituted new circumstances. On 27 March 2023, the high court rejected this and refused leave to appeal. On the return day, he advanced another version, claiming the transfers were erroneous, which the court found untruthful and dismissed, confirming the rule *nisi*.

These events formed the uncontested evidence in the striking-off proceedings. The high court held that the applicant lacked accountability, honesty and integrity and that reimbursement did not mitigate his conduct. It found striking-off to be the only appropriate sanction. On 2 February 2024, he filed an out-of-time application for leave to appeal.

On 9 February 2024, the LPC applied under s 18(3) of the Superior Courts Act for the striking-off order to be put into effect pending appeal. On 7 March 2024, the high court (Chesiwe and Opperman JJ) granted this execution order, finding exceptional circumstances as the applicant intended to resume practice. The applicant filed a notice of appeal 11 months later and sought condonation.

The issues before the Court were: (a) whether further evidence of continued practice should be admitted; (b) whether condonation for the late appeal should be granted; and (c) whether the appeal was academic due to failure to seek condonation for the late application for leave to appeal the striking-off order.

The SCA held that the further evidence was highly relevant and demonstrated exceptional circumstances, but made no order on it due to its refusal of condonation. It refused condonation with attorney-and-client costs, finding the 11-month delay inordinate and the explanation inadequate, with no prospects of success. The Court further held that the failure to seek condonation for the late filing of the application for leave to appeal the striking-off order was a decisive barrier, rendering the appeal futile as the striking-off order remained operative.

Accordingly, the Court held that the relief sought would have no practical legal effect under s 16 of the Superior Courts Act. The striking-off order remained an insuperable barrier to practice. The Court ordered that condonation was refused, that the applicant pay costs on an attorney-and-client scale from 20 February 2025, and that his attorneys pay the costs of preparing the record *de bonis propriis*.