



**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

**Date:** 29 OCTOBER 2021

**Status:** Immediate

*The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal*

*Mapatle Kgatla v Masedi Ronny Mashala (382/20) [2021] ZASCA 154 (29 October 2021)*

Today the Supreme Court of Appeal (SCA) handed down judgment dismissing, with costs, an appeal against a decision of the Limpopo Division of the High Court, Polokwane (the high court).

The issues before the SCA was whether high court correctly granted the interdict sought by the respondent against the applicant.

The applicant, Mr Kgatla, is the headman of the traditional council. The respondent, Mr Masedi Ronny Mashala (Mr Mashala), is a resident of Ga-Molai village, which falls under the administration of the traditional council. Mr Kgatla alleged that sometime in 2018, acting as headman, he started to coordinate endeavours by the traditional council to construct a community hall on a particular piece of land set aside for that purpose. He identified that piece of land as stand number 000. To commence this project, he offloaded building material on this stand and started to fence it off. Mr Mashala alleged that he was granted permission to occupy the piece of land on which Mr Kgatla had offloaded building material and was in the process of fencing off.

Subsequently, Mr Mashala brought an urgent application in the magistrates' court to interdict Mr Kgatla from erecting a fence and off-loading building material on that stand. Mr Kgatla opposed the application and raised three points *in limine*: (a) *locus standi*: contending that stand number 915 belonged to one Silvia Mohale, and therefore Mr Mashala had no *locus standi*; (b) non-joinder: that Mr Mashala had failed to join the traditional council as an interested party in whom the land vested; and (c) appeal: that the dispute had already been adjudicated by the Modjadji Traditional Court (the traditional court). The magistrate upheld the points *in limine*, without deciding the merits, and dismissed Mr Mashala's application with costs. Dissatisfied with this order, Mr Mashala appealed to the full bench. The full bench upheld the appeal, set aside the magistrate's decision and substituted it with an order interdicting Mr Kgatla, as sought by Mr Mashala.

The SCA held that the points *in limine* lacked merit. The SCA held further that Mr Mashala established his right to occupy stand number 915. Mr Kgatla failed to provide evidence to dispute Mr Mashala's right beyond his mere assertion. Therefore there was no real dispute of facts. In consequence, Mr Mashala was entitled to seek the protection of his right from unlawful interference.

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