



Supreme Court of Appeal - Registrar's Office • PO Box 258, Bloemfontein, 9300 • C/O Elizabeth and President Brand Streets, Bloemfontein • Tel (051) 4127427 Fax (051) 4127449 • www.supremecourtofappeal.gov.za.

---

**Enquiries: C VAN DER MERWE    Date: 30 OCTOBER 2020    Ref: 1176/2019**  
**E-mail address: [CVandermerwe@sca.judiciary.org.za](mailto:CVandermerwe@sca.judiciary.org.za)/[mynievd@gmail.com](mailto:mynievd@gmail.com)**

---

**YOUR REF: CVR/lp/E03779**  
[carl@rosendorff.co.za](mailto:carl@rosendorff.co.za);  
[liza@rosendorff.co.za](mailto:liza@rosendorff.co.za)

**ATTORNEY FOR APPELLANT  
ROSENDORFF REITZ BARRY  
PO BOX 41  
BLOEMFONTEIN  
9300**

**YOUR REF: MB/C/100240/CC19**  
[attorney@tshabangu.co.za](mailto:attorney@tshabangu.co.za);  
[admin@tshabangu.co.za](mailto:admin@tshabangu.co.za)

**ATTORNEY FOR RESPONDENT  
TSHABANGU ATTORNEYS  
SUITE 15,62 LOUW WEPENER  
STREET  
DAN PIENAAR  
BLOEMFONTEIN  
9300**

Mr. / Mrs. / Miss

## **APPEAL: NARIUS MOLOTO v THE PAN AFRICANIST CONGRESS OF AZANIA**

The presiding judge has instructed me to write to the parties as follows: -

'An expedited date was requested to settle matters to enable participation by the Pan African Congress of Azania in an upcoming by-election. It appears that subsequent to the decision of the court below, a National Congress was held on 24 August 2019 and the PAC has since then been administered by a new NEC. Clause 14.2 has been amended and now appears, on the face of it, to be qualified by reference to a crisis. That is not the clause that was the subject of the hearing before the court below. At para 1.2 of its heads of argument the appellant states the following:

'Whether the PAC was restricted, by the court order of 8th of March 2019 to only hold a National Congress is irrelevant now. It is factually so that the PAC held the National Congress on 24th August 2019 and has since been administered in terms of the elections and arrangements made at the said congress.'

The decision of the court below, on the appellants own version, has been overtaken by events. Decisions made on 24 August and their consequences can only be set aside by a further application to court. On the face of it the decision of the court below is restricted to setting aside decisions by decree up to the time that the order was issued. Clause 14.2 in original form is no longer applicable and the difference in the two conflicting court decisions appear to no longer be of any moment.

In these circumstances, will any decision by this court have a practical effect?

Are the parties not better advised to seek an agreement on the way forward and settle their differences other than through the pending appeal?

The parties are required to consider seriously whether the appeal should be persisted in?

An urgent response is required.'

A handwritten signature in black ink, appearing to read 'C Van der Merwe', written in a cursive style.

**C VAN DER MERWE  
CHIEF REGISTRAR  
SUPREME COURT OF APPEAL**