

**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, JOHANNESBURG)**

**CASE NO:**

In the matter between:

**RUTH NTLOKOTSE**

Applicant

and

**NATIONAL UNION OF METALWORKERS  
OF SOUTH AFRICA**

First Respondent

**IRVIN JIM**

Second Respondent

**SOUTH AFRICAN FEDERATION  
OF TRADE UNIONS**

Third Respondent

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**NOTICE OF MOTION**

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**PART A**

**KINDLY TAKE NOTICE** that the above-named applicant intend to make application at 10h00 on **24 August 2023** to this Honourable Court for an order:

1. Dispensing with the forms and service provided for in the Uniform Rules of Court, and directing that the matter be heard as one of urgency in terms of Rule 6(12) of the Uniform Rules of Court.
2. Pending:

2.1 the determination of Part B of this application;

2.2 The finalisation of the appeal currently before the Labour Appeal Court under matter number JA84/2022; and

2.3 The finalisation of the application in term of section 158(1)(e) of the Labour Relations Act 66 of 1995 currently before the above honourable court under matter J381/2023,

interdicting the first and second respondent from in any manner purporting to implement the suspension and/or expulsion of the applicant as a member of and Shop Steward in the first respondent.

3. Directing any respondent or respondents that oppose the application jointly and severally to pay the costs of this application, including the costs of two counsel.
4. Granting the applicants further and/or alternative relief.

**TAKE NOTICE** that the accompanying affidavit of **RUTH NTLOKOTSE** annexed hereto will be used in support of this application.

**TAKE NOTICE FURTHER** that the applicants have appointed the address of its attorneys as set out below as the address at which it will accept notice and service of all processes in the matter.

**TAKE NOTICE FURTHER** that if you intend opposing the application you are required:

- a. to notify the applicant's attorneys of such intention by electronic mail at the address [kelly@kropmanlaw.co.za](mailto:kelly@kropmanlaw.co.za) on or before 12h00 on **7 August 2023** and in such notice to appoint an address referred to in Uniform Rule 6(5)(d)(i) at which you will accept service and notice of all documents in these proceedings, including your electronic mail address for the purposes of service of all subsequent documents and notices in the proceedings by electronic mail to that address in accordance with Uniform Rule 4A(1)(c); and
- b. to deliver your answering affidavit, if any, together with any relevant documents on or before 16h00 on **11 August 2023**.

**TAKE NOTICE FURTHER** that if an answering affidavit is delivered on or before 16h00 on 11 August 2023, the applicant will deliver any replying affidavit on or before 12h00 **14 August 2023**.

**TAKE NOTICE FURTHER** that if no notice of intention to oppose is delivered within the timeframe set out above, this application will be set down on the unopposed roll and an order may be made without any further notice to you.

**KINDLY ENROL THE MATTER ON THE URGENT ROLL ACCORDINGLY.**

## **PART B**

**KINDLY TAKE NOTICE** that on a date to be determined by the Registrar or as directed by the above Honourable Court, the applicant will make an application for an order in the following terms:

1. Declaring the decision of the first respondent's National Executive Committee, taken on or about 6 May 2023, to expel the applicant from her membership of the first respondent, unconstitutional, unlawful and invalid.
2. Declaring the decision of the first respondent's Special Central Executive Committee, taken on or about 10 July 2023, to dismiss the applicant's appeal of the decision referred to in paragraph 1 unconstitutional, unlawful and invalid.
3. Reviewing and setting aside the decisions referred to in paragraphs **Error! Reference source not found.** and 2 above.
4. Directing any respondent or respondents that oppose the application jointly and severally to pay the costs of this application, including the costs of two counsel.
5. Granting the applicant further and/or alternative relief.

**TAKE NOTICE** that the accompanying affidavit of **RUTH NTLOKOTSE** annexed hereto will be used in support of this application.

**TAKE NOTICE FURTHER** that:

- a) The first respondent is called upon, in terms of Uniform Rule 53(1)(a), to show cause why the decision referred to in prayer 1 above should not be declared unlawful and set aside.
- b) In accordance with Rule 53(1)(b), the first respondent is required within 15 days after receipt of this application, to dispatch to the Registrar of the above Honourable Court, the record of the decision, proceedings or process sought to be reviewed and set aside (including relevant correspondence, reports, minutes of meetings, memoranda, submissions, and approvals) together with such reasons as the first respondent is by law required to give or desires to make, and to notify the applicants that it has done so.
- c) In terms of Rule 53(4), the applicants reserve the right to, after the receipt of the review record from the Registrar, amend, add to, or vary the terms of the notice of motion and supplement their founding affidavit.

**TAKE NOTICE FURTHER** that if the respondents intend to oppose Part B of this application, they are required to:

- a) Within fifteen days after receipt of this notice of motion or any amendment thereof, to deliver notice to the applicants that it intends to oppose and, in such notice to appoint an address within 15 kilometres of the office of the registrar at which it will accept notice and service of all process in these proceedings, and

b) Within thirty days after the expiry of the period referred to in Rule 53(4)(b) of the Uniform Rules of Court, deliver their affidavits in answer to the allegations made by the applicants.

**DATED** at Rosebank on this the **31<sup>st</sup>** day of **July 2023**.



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**KROPMAN ATTORNEYS**  
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Ref: NTL1/0001

**TO: THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT**

**AND TO: NATIONAL UNION OF METAL WORKERS**  
**First Respondent**  
153 Bree Street  
Newtown  
Johannesburg  
Tel: 011 689 1700  
Fax: 011 838 4092  
E-mail: [irvinj@numsa.org.za](mailto:irvinj@numsa.org.za) / [normac@numsa.org.za](mailto:normac@numsa.org.za)

**AND TO: MR IRVIN JIM**  
**Second Respondent**  
153 Bree Street  
Newtown  
Johannesburg  
Tel: 011 689 1700  
Fax: 011 838 4092  
E-mail: [irvinj@numsa.org.za](mailto:irvinj@numsa.org.za) / [normac@numsa.org.za](mailto:normac@numsa.org.za)

**AND TO: SOUTH AFRICAN FEDERATION OF TRADE UNIONS**

**Third Respondent**

5th Floor JC Bez Building,

34 Eloff Street,

Johannesburg

Tel: 011 331 0124

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