****

**IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2 (1) OF THE SPECIAL INVESTIGATIONS UNIT AND SPECIAL TRIBUNALS ACT 74 OF 1996**

**JUDGMENT SUMMARY**

|  |  |
| --- | --- |
| ***Kajee v Special Investigations Unit and Others; Special Investigating Unit and Others v Lekabe and Another; In re: Actions brought under case numbers GP/09/2019 and GP/22/2021 (GP09/2019; GP22/2021)*** | |
| URL | <https://lawlibrary.org.za/akn/za/judgment/zast/2023/16/eng@2023-11-20> |
| Citations | [2023] ZAST 16 |
| Date of judgment | 20 November 2023 |
| Keyword(s):[[1]](#footnote-1) | Irregular step application dismissed; consolidation application granted, frivolous and vexatious, prejudice, punitive costs |
| Summary[[2]](#footnote-2) | The Special Investigation Unit (**SIU**) sought the consolidation of two actions (**Consolidation Application**). The actions related to the relief sought against the first respondent (**Lekabe**) and the second respondent (**Kajee**) for the loss suffered by the State as a result of the alleged corrupt and collusive relationship between Lekabe and Kajee. The Consolidation Application was resisted by Kajee, who submitted that the notice of motion filed in the Consolidation Application ought to be set aside as an irregular step (**Irregular Step Application**). Lekabe objected to the Consolidation Application being determined on the basis of the papers filed, however, none of the respondents filed opposing papers.    The Special Tribunal (**Tribunal**) was asked to determine whether the notice of motion in the Consolidation Application constituted an irregular step as contemplated by Uniform Rule 30, and also whether the consolidation application ought to be granted. |
| Decision/ Judgment[[3]](#footnote-3) | The Tribunal granted the Consolidation Application, and dismissed the Irregular Step Application. |
| Basis of the decision[[4]](#footnote-4) | Although Kajee was barred from filing a plea, nothing precluded him from filing opposing papers in the Consolidation Application or seeking an extension of time to do so. Instead of making use of these options, Kajee brought an Irregular Step Application. Kajee failed to establish that the notice of motion in the Consolidation Application constituted an irregular step and to demonstrate what prejudice he stood to suffer if it was not set aside. The Tribunal found the Irregular Step Application to be frivolous and vexatious, and dismissed it with punitive costs.  In terms of the Consolidation Application, none of the respondents filed opposing papers and, based on the papers filed by the SIU, the Tribunal was satisfied that a proper case had been made out for the consolidation sought. The Consolidation Application was therefore granted. |
| Reported by  Date | African Legal Information Institute ([AfricanLII](https://africanlii.org/))  20 November 2023 |

1. Clarify the type of issues that come up in the case. [↑](#footnote-ref-1)
2. Summary of the facts, the main legal questions and/or grounds of appeal, and the court’s reasoning (between 150-250 words). [↑](#footnote-ref-2)
3. The ruling/judgment of the court, as given in the Order. [↑](#footnote-ref-3)
4. A 1-2 sentence summary of the basis of the decision (i.e. which legal rules were relied on). [↑](#footnote-ref-4)