

**IN THE HIGH COURT OF SOUTH AFRICA
NORTHERN CAPE DIVISION, KIMBERLEY**

Case No: 2057/2016

In the urgent application of

EKAPA MINERALS (PTY) LTD

First applicant

KIMBERLEY EKAPA MINING JOINT VENTURE

Second applicant

SUPER STONE MINING (PTY) LTD

Third applicant

CROWN RESOURCES (PTY) LTD

Fourth applicant

and

LUCKY SEEKOEI

First respondent

GODFREY MOTLOTENG

Second respondent

PIETER MOKITINI

Third respondent

VICTOR TAKU

Fourth respondent

JOHAN MOTSHWANAYSI

Fifth respondent

DOROTHY DAMONS

Sixth respondent

**THE ILLEGAL MINERS IDENTIFIED IN
ANNEXURE X TO THE JUDGMENT OF THE COURT A QUO**

Seventh respondent

In the matter between:

EKAPA MINERALS (PTY) LTD

First applicant

KIMBERLEY EKAPA MINING JOINT VENTURE

Second applicant

SUPER STONE MINING (PTY) LTD

Third applicant

CROWN RESOURCES (PTY) LTD

Fourth applicant

and

LUCKY SEEKOEI

First respondent

GODFREY MOTLOTENG

Second respondent

PIETER MOKITINI

Third respondent

VICTOR TAKU

Fourth respondent

JOHAN MOTSHWANAYSI

Fifth respondent

DOROTHY DAMONS

Sixth respondent

<u>THE ILLEGAL MINERS IDENTIFIED IN ANNEXURE X TO THE JUDGMENT OF THE COURT A QUO</u>	Seventh respondent
<u>THE MEC OF THE DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND NATURE CONSERVATION</u>	Eighth respondent
<u>THE MEC OF THE DEPARTMENT OF CO-OPERATIVE GOVERNANCE HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS</u>	Ninth respondent
<u>THE MEC OF THE DEPARTMENT OF TRANSPORT, SAFETY AND LIAISON</u>	Tenth respondent
<u>THE MINISTER OF MINERAL RESOURCES</u>	Eleventh respondent
<u>THE MINISTER OF SAFETY AND SECURITY</u>	Twelfth respondent
<u>THE MINISTER: OF HOME AFFAIRS</u>	Thirteenth respondent
<u>DE BEERS CONSOLIDATED MINES (PTY) LTD</u>	Fourteenth respondent

NOTICE OF ABANDONMENT OF PORTION OF A JUDGMENT

TAKE NOTICE that the applicants hereby with regard to paragraph 1 of the order handed down by Judge Williams on 13 January 2017, a copy of which is annexed hereto, marked "X" ("the Judgment"), abandon the Judgment **only** insofar as it relates to the specific portions listed below of (a) the Remaining Extent of the farm Kenilworth Estate 71 and (b) the Remaining Extent of the Remaining Extent of the farm Dorstfontein 77, District Kimberley, namely:

1. The following areas straddling the Remaining Extent of the farm Kenilworth Estate 71 and the Remaining Extent of the farm Dorstfontein 77

- 1.1 An area commonly known as BKB Grainco area which

- 1.1.1 in so far as it is situate on the Remaining Extent of the farm Kenilworth Estate 71 is described on the attached unapproved

subdivisional diagram, marked 'AB1' to be registered as Portion 19 of the farm Kenilworth Estate 71; and

1.1.2 in so far as it is situate on the Remaining Extent of the farm Dorstfontein 77 is described on the attached unapproved subdivisional diagram, marked 'AB2' to be registered as Portion 22 of the farm Dorstfontein 77;

1.2 An area commonly known as the Equestrian Centre which

1.2.1 in so far as it is situate on the Remaining Extent of the farm Kenilworth Estate 71 is described on the attached approved subdivisional diagram, marked 'S.G No145/2017' to be registered as Portion 18 of the farm Kenilworth Estate 71; and

1.2.2 in so far as it is situate on the Remaining Extent of the farm Dorstfontein 77 is described on the attached approved subdivisional diagram, marked 'S.G No143/2017' to be registered as Portion 21 of the farm Dorstfontein 77;

2. The following portions of the Remaining Extent of the farm Dorstfontein 77

2.1 An area commonly known as the Gun Club which is described on the attached approved subdivisional diagram, marked 'S.G No144/2017' to be registered as Portion 20 of the farm Dorstfontein 77;

2.2 An area commonly known as the Careline Clinic which is described on

the attached approved subdivisional diagram, marked 'S.G No192/2017 to be registered as Erf 43786 Kimberley;

- 2.3 An unnamed area which is described on the attached unapproved subdivisional diagram, marked 'AB3' to be registered as Portion 24 of the farm Dorstfontein 77;
- 2.4 An unnamed area which is described on the attached unapproved subdivisional diagram, marked 'AB4' to be registered as Portion 23 of the farm Dorstfontein 77;
- 2.5 An area commonly known as the Engineering Training Centre which is described on the attached unapproved subdivisional diagram, marked 'AB5' and depicted by the figure ABCDEFGHJK to be registered as a numbered portion of the farm Dorstfontein 77;
- 2.6 An area commonly known as the Dairy Farm which is described on the attached unapproved subdivisional diagram, marked 'AB6' and depicted by the figure ABCDEFGHJKLMN to be registered as a numbered portion of the farm Dorstfontein 77;

The abovementioned excluded portions are jointly hereinafter referred to as "the Excluded Portions".

3. The Excluded Portions are depicted on the annexed Compilation Plan marked Y")

4. Save in respect of the excluded portions, the applicants abandon no part of the Judgment, and intend to enforce the order handed down by Judge Williams.

DATED at Kimberley on this 14th day of SEPTEMBER 2017



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