

CASE NO.: 3543/2010

IN THE KWAZULU-NATAL HIGH COURT, DURBAN

REPUBLIC OF SOUTH AFRICA

BEFORE THE HONOURABLE MADAM JUSTICE BALTON

AT DURBAN ON FRIDAY 19TH MARCH 2010

In the matter between:

**DURBAN UNIVERSITY OF
TECHNOLOGY**

Applicant/Plaintiff

and

MFANAFUTHI NGWABE

First Respondent / Defendant

SIPHO MDLIVA

Second Respondent / Defendant

MFANAFUTHI NGCOBO

Third Respondent / Defendant

BUYISANI MLABA

Fourth Respondent / Defendant

SICELO MABIZELA

Fifth Respondent / Defendant

BONGIWE MOFUKENG

Sixth Respondent / Defendant

CEDRIC NGUBANE

Seventh Respondent / Defendant

NOLWAZI DLAMINI

Eighth Respondent / Defendant

MBONGENI HADEBE

Ninth Respondent / Defendant

SFISO MDAKANE

Tenth Respondent / Defendant

PHUMLANI DUMA

Eleventh Respondent / Defendant

NONTUTHUKO KHANYILE

Twelve Respondent / Defendant

MTHOBISI XULU

Thirteenth Respondent / Defendant

NTUTHUKO NTSHANGASE

Fourteenth Respondent / Defendant

BONGUMUSA SHELEMBE

Fifteenth Respondent / Defendant

Upon the motion of Counsel for the Applicant and upon reading the Notice of Motion and other documents filed of record.

IT IS ORDERED

1. That the Respondents are called upon to show cause before this Court sitting at Masonic Grove, Durban at 09:30 or so soon thereafter as Counsel may be heard on the 7th day of MAY 2010 why an order should not be granted in the following terms:
 - (a) The Respondents as the members of the Students Representative Council of the Applicant, and each of them individually, are hereby interdicted and restrain from:-
 - (i) disrupting or calling for the academic program of the Applicant to be disrupted or instigating others to perform acts designed to disrupt the academic program of the Applicant and in particular from performing any act or making any threat or instigating any act or threat by others, designed to disrupt lectures, practical work sessions or tests and examinations at any of the various campuses of the Applicant or from entering any venue, lecture hall, practical session room or test examination venue unless they are students of the

course in question and are attending only to participate in the lecture or academic program;

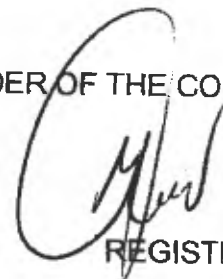
- (ii) Assaulting, threatening to assault, intimidating, by way of violent protest action or otherwise instigating others to assault, threaten or intimate students or staff at any of the campuses of the Applicant;
- (iii) Damaging property or instigating others to damage property by way of student protests at any of the campuses of the Applicant;
- (iv) Demonstrating or gathering at any place closer than 100 metres from the perimeter of any of the Applicant's campuses.

(b) The Respondents are ordered jointly and severally to pay the costs of this application;

(c) Alternative relief.

2. **THAT** the interdicts in paragraph 1 (a) above are to operate as interim interdicts with immediate effect, pending the final determination of the Application and the confirmation or discharge of the *Rule Nisi* set out in paragraph 1 above.

BY ORDER OF THE COURT



REGISTRAR

NICOLSON STILLER & GESHEN
Applicant's Attorneys
Telephone: (031) 202 9751

2010 -03- 19
DURBAN 4000
REGISTRAR OF THE HIGH COURT OF S.A.