

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

HELD AT BRAAMFONTEIN

CASE NUMBER: _____
SCA CASE NUMBER: 267/2004

In the matter between:

**HIS MAJESTY THE KING OF abaTHEMBU
BUYELEKHAYA DALINDYEBO**

Applicant

and

THE STATE

Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE that the above Applicant hereby applies to the above Honourable Court for an order in the following terms:

1. That leave is granted to the Applicant in terms of Rule 19 of the Constitutional Court Rules to appeal to the Constitutional Court of South Africa against the judgment and order by the High Court of South Africa (Eastern Cape Division, Mthatha) delivered on the 21st

of October 2009 and the subsequent partial confirmation thereof by the Supreme Court of Appeal on the 1st of October 2015;

2. Further and/or alternative relief.

FURTHER TAKE NOTICE that the founding affidavit of the Applicant together with annexures thereto will be used in support of this application.

AND FURTHER TAKE NOTICE that the Applicant appoints the offices of Etienne Naude Attorneys, c/o Melvin Neale at 5th Floor, 73 Juta Street (entrance on De Beer Street), Braamfontein, Johannesburg as his attorneys of record in this matter and at which address it will accept notice and service of all process in these proceedings.

AND TAKE NOTICE FURTHER that if you intend opposing this application you are required to within 10 days from the date upon which this application has been lodged to respond to the application in writing, indicating whether or not the application for leave to appeal is being oppose, and if so the grounds for such opposition. The above response must be signed by the Respondent or his or her legal representatives.

AND FURTHER that you are required to appoint in such notification an address referred to in rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

KINDLY enrol the matter accordingly.

DATED at PRETORIA on this 19th day of OCTOBER 2015

ETIENNE NAUDE ATTORNEYS
ATTORNEYS FOR THE APPLICANT
(REF: E NAUDE)
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C/O MELVIN NEALE
5th FLOOR
73 JUTA STREET
(ENTRANCE DE BEER STREET)
BRAAMFONTEIN
JOHANNESBURG

TO: THE REGISTRAR OF THE
CONSTITUTIONAL COURT
BRAAMFONTEIN

AND TO: THE REGISTRAR
CONSTITUTIONAL COURT
BRAAMFONTEIN

AND TO: THE REGISTRAR
SUPREME COURT OF APPEAL
BLOEMFONTEIN

AND TO: THE REGISTRAR OF THE
HIGH COURT OF SOUTH AFRICA
EASTERN CAPE HIGH COURT
MTHATHA