

CASE NO. 8318/2011

IN THE KWAZULU – NATAL HIGH COURT, DURBAN

REPUBLIC OF SOUTH AFRICA

BEFORE THE HONOURABLE MADAM JUSTICE MOKGOHLOA

AT DURBAN ON 26TH JULY 2011

In the matter between:

DURBAN UNIVERSITY OF TECHNOLOGY	Applicant
and	
MFANAFUTHI NGCOBO	First Respondent
THABANI KHANYILE	Second Respondent
MTHOBELI SIPHAMLA	Third Respondent
MZAMO KHAYILE	Fourth Respondent
NTUTHUKO NTSHANGASE	Fifth Respondent
NOMKHOSI KHUZWAYO	Sixth Respondent
NTOMBIZODIDI MSHWESHWE	Seventh Respondent
NOLWAZI DLAMINI	Eighth Respondent
LUCKY NGUBANE	Ninth Respondent
NOLUYOLO NGUBANE	Tenth Respondent
NKOSINGIPHILE YALO	Eleventh Respondent
KHAYA MSIMANG	Twelfth Respondent
THOLOZANE NENE	Thirteenth Respondent
CEDRIC NGUBANE	Fourteenth Respondent
OTHER STUDENTS OF THE DURBAN UNIVERSITY OF TECHNOLOGY	Fifteenth Respondent

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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 to this court sitting at Masonic Grove, Durban at 09:30 or so soon thereafter as Counsel may be heard on the 30th day of September 2011 why an order should not be granted in the following terms:
 - (a) that the Respondents as the members of the Students Representative Council of the Applicant and all students of the Durban University of Technology, and each of them individually, are hereby interdicted and restrained 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;

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(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;

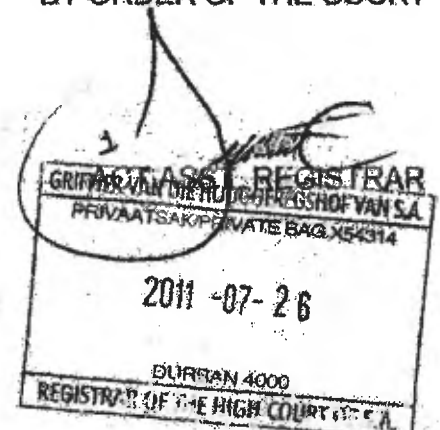
(iii) damaging property or instigating others to damage property by way of student protests at any of the campuses of the Applicant;

(iv) demonstrating or gathering at any place closer than 100 metres from the perimeter of any of the Applicant's campuses.

(b) that in the event of any Respondent/s unsuccessfully opposing this application such Respondent/s be ordered to jointly and severally pay the costs of this application.

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



J H NICOLSON STILLER & GESHEN