

In the matter of:

Afri Holdings Ltd & Ors

Applicants

v

African Network Information Centre (AfriNIC) Ltd

Respondent

And in the presence of:

City of Cape Town

Co-Respondent/Intervening Party

❖ **ORDER**

Ms. H. Thug, of Counsel, appears replacing Mr. S. Mohamed, of Counsel, for the applicants, instructed by Mr. Attorney S. Sookia.

Mr. A. Moollan, Senior Counsel appears together with Ms. P. Gokhool, of Counsel and Ms. V. J. Chinien, of Counsel, for the respondent, instructed by Mr. M. Mardemootoo, Senior Attorney.

Mr. A. Oozeer, of Counsel, appears for the co-respondent/intervening party, instructed by Mr. A. Robert, Senior Attorney.

Ms. Thug states that the instructing attorney for the applicant received instructions from the applicants late yesterday afternoon that the applicants no longer wish to proceed with the present matter. A letter to that effect was uploaded on the e-filing system and today, she is making the formal motion to withdraw the present application.

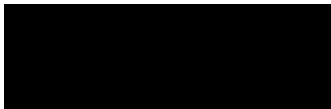
Mr. Moollan moves for costs.

Mr. Oozeer also moves for costs and states this case has a long history and everybody knows when it was lodged. After counsel of the co-respondent has filed submissions and has worked on the lengthy submissions that they received a correspondence from the applicants' attorney that the application is going to be withdrawn. That has been very frustrating in the sense that much resources have been spent working on these files over the last two to three years and in the end, notwithstanding the fact that based on the affidavit evidence, as per the

submissions of the co-respondent, the applicants did not have a case before Your Ladyship, nonetheless the applicants proceeded with the exchange of numerous affidavits for which the co-respondent had to respond and at the last minute, late yesterday afternoon, the co-respondent is informed that the applicants are going to withdraw their case.

Upon hearing parties and in the light of the applicants' motion to withdraw their case and considering the fact that the respondent and co-respondent are moving for costs, the present application is set aside with costs in favour of the respondent and co-respondent.

Chambers, this 15th day of June, 2023



**[M.J. Lau Yuk Poon]
JUDGE**