

IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN

12 X<sup>12</sup> B  
9/9/2016

Case number: 15910/16

Before The Honourable Mr Justice Bozalek



Cape Town: 9 September 2016

In the matter between:

**PARKSCAPE**

Applicant

and

**MTO FORESTRY (PTY) LTD**

First Respondent

**SOUTH AFRICAN NATIONAL PARKS**

Second Respondent



**DRAFT ORDER**

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It is ordered as follows:

- (a) The application shall be dealt with as one of urgency in terms of Rule 6(12).
- (b) A rule *nisi* is issued, returnable on 10 October 2016 at 10h00 or as soon thereafter as the matter may be heard, calling upon the respondents and any interested parties to show cause why an order should not be granted in the following terms:

- (i) that the decision of the first respondent and/or the second respondent, taken during or about August 2016, to fell the trees in the Tokai Forest in accordance with a new felling schedule, be reviewed and set aside;
- (ii) that the first and/or second respondent be interdicted and restrained from felling any trees in the Tokai Forest, alternatively any trees in the area thereof described in the accompanying founding affidavit as the Dennendal plantation, alternatively from felling any such trees in accordance with the new felling schedule which forms the subject of the abovementioned decision;
- (iii) that this Court grant such alternative relief as may be deemed fit; and
- (iv) that the respondents, jointly and severally, be ordered to pay the costs of the application.
- (c) The applicant will cause a copy of this Order to be published electronically on social media forthwith.
- (d) Any party wishing to intervene in these proceedings shall deliver an application to intervene, including in such application, the affidavit which they will seek to have admitted in these proceedings, on or before Thursday 15 September 2016.
- (e) The costs of the application to date will stand over for later determination.
- (f) The matter is postponed for hearing on 10 October 2016.



- (g) The respondents shall file their further answering affidavits (if any) on or before 19 September 2016.
- (h) The applicant shall file its further replying affidavit (if any) on or before 23 September 2016.
- (i) Heads of argument shall be delivered in accordance with the practice directions of this Court.

It is recorded that, by agreement between the parties:

- (j) Pending the return day of the rule nisi, the first and second respondents undertake not to fell any trees in the area of the Tokai forest described in the founding affidavit as the Dennendal Plantation.

**BY ORDER OF COURT**

  
COURT REGISTRAR

Slabbert Venter Yanoutsos  
Box 457  
WYNBERG

