

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NUMBER: 23410/2022

In the application of:-

DR. MAANEKA RAMADHIN AND 6 OTHERS

APPLICANTS

and

**THE HEALTH PROFESSIONS COUNCIL OF
SOUTH AFRICA**

1ST RESPONDENT

**THE MEDICAL AND DENTAL PROFESSIONAL
BOARD**

2ND RESPONDENT

PROF. MBULAHENI SIMON NEMUTANDANI

3RD RESPONDENT

MS MELISSA DE GRAAFF

4TH RESPONDENT

PROF. SOLOMON TSHIMONG RATAEMANE

5TH RESPONDENT

DR THABO PINKOANE

6TH RESPONDENT

in re the matter between:

DR. KIMIRA RUGNATH AND 93 OTHERS

APPLICANTS

and

**THE HEALTH PROFESSIONS COUNCIL OF
SOUTH AFRICA**

1ST RESPONDENT

**THE MEDICAL AND DENTAL PROFESSIONAL
BOARD**

2ND RESPONDENT

THE MINISTER OF HEALTH

3RD RESPONDENT

SETTLEMENT AGREEMENT

INTRODUCTION:

1. The Applicants instituted contempt proceedings against the Respondents under the case number 23410/2022 on the 22 November 2022.

- 1.1. On the 3rd March 2023, Applicants were sent notices attached hereto marked as **Annexure 1**, informing them that copies of their examination records will be sent to them in due course.
- 1.2. Applicants Association, The South African Internationally Trained Health Professional, hereinafter ("SAITHPA") intervened on behalf of Applicants informing Second Respondents to correspond/communicate with Applicants via their attorneys on record. I attach correspondence marked as **Annexure 2**.
- 1.3. Respondents agreed to abide by the above protocol. I attach correspondence marked as **Annexure 3**.
2. Applicants made application that the following be joined in the main application under case number **23410/2022** as follows:
 - 2.1. **PROF. MBULAHENI SIMON NEMUTANDANI** as the 4th Fourth Respondent.
 - 2.2. **MS MELISSA DE GRAAFF** as the Fifth Respondent
 - 2.3. **PROF. SOLOMON TSHIMONG RATAEMANE** as the Sixth Respondent
 - 2.4. **DR THABO PINKOANE** as the 7th Respondent

- 2.5. Declaring that the Respondents failed to comply with the provisions of this Court's Order, as handed down on the 17th June 2022, under case number **23410/2022**;
- 2.6. Declaring the Respondents to be in contempt of court for failing to comply with the Court Order of 17 June 2022 under case number **23410/2022**;
- 2.7. Imposing a fine, such as is deemed appropriate by this Honourable Court, on the Respondents, jointly and severally;
- 2.8. Directing the Respondents to bear the costs of this application, jointly and severally, on the attorney and own client scale, including the costs of two counsel.
- 2.9. Further and/or alternative relief.
3. The parties, THEREFORE AGREE, subject to the approval of the above Honourable Court, to settle the dispute between them as follows:
 - 3.1. That the Application be postponed *sine die*;

- 3.2. That the First Respondent make available copies of the examination records i.e., written as well as video recordings as applied for under the provisions of the Promotion of Access to Information Act 2 of 2000, hereafter ("PAIA") to all Applicants within seven (7) days of this settlement agreement being made an order of this Honourable Court.
4. That the Respondents hereby irrevocably undertake to pay the costs incurred to bring this Application up until 04 April 2023, on a Party and Party scale, to be taxed or agreed, which costs shall include the costs of two counsel inclusive of preparation, jointly and severally the one paying the other to be absolved.
5. In the event that the First Respondent fails to comply with the undertaking under paragraph 2 above, the Applicants are hereby granted leave to amplify the Application, and if required to set the matter down on the unopposed roll, in order to bring the contents of this Settlement Agreement to the court's attention.
6. The Applicant is authorised to set the matter down on the unopposed roll.
7. That the is duly authorized to sign this Settlement Agreement on behalf of the Respondents.
8. That the Attorney Louise Du Plessis is duly authorized to sign this Settlement Agreement on behalf of the Applicants.

9. That in the event of the Respondents defaulting in terms of any of the terms and conditions of the Settlement Agreement, the Applicants shall be entitled to immediately proceed, without any further notice whatsoever, with any further legal steps as they are entitled to in terms of this action, and/or any other legal steps available to them in law.

CONCLUSION:

10. The Respondents specially record that they have obtained legal advice pertaining to this Settlement Agreement and the documents enclosed hereto, which they understand the contents of, and they are signing this Agreement out of their own free will.
11. This agreement is a full agreement between the parties and any amendment thereof shall only be effective if reduced to writing and signed by both parties.

SIGNED at Porto na on this the 04 day of April 2023.

On behalf of the Respondents, duly authorised.

1. Ntsikelelo Siphele



Witnesses

2.  _____

3.  _____

On behalf of the Applicants, duly authorised.

1. _____

Witnesses:

1. _____

2. _____
