

IN THE HIGH COURT OF SOUTH AFRICA

{EASTERN CAPE DIVISION, MTHATHA}

CASE NO: 2655/2023

BEFORE THE HONOURABLE ACTING JUDGE NOTYESI

MTHATHA ON THIS 14th DAY OF May 2026

In the matter between: -

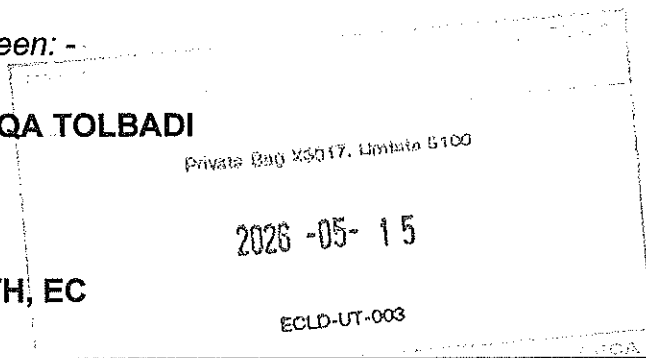
NOMATHAMSANQA TOLBADI

APPLICANT

And

MEC FOR HEALTH, EC

RESPONDENT



Having considered the documents filed of record, the report of the director of Legal Practice Council, Eastern Cape, and also having noted that MR KENNETH PHUTUMA NTILA was struck off the roll of attorney by the North Gauteng High Court, under case No: 48028/2012 on 5 December 2013 and having had **Adv Brauns**, Counsel for the Applicant and **Mr Ntila** for Respondent:-

IT IS HEREBY ORDERED THAT:

1. The Respondent's claim is struck out in terms of Rule 30A(1)(b) of the Uniform Rules of Court, due to failure to comply with the order dated 19 March 2024.
2. MR KENNETH PHUTHUMA NTILA being the person who purportedly represented the Respondent in the application to strike out is ordered to pay

costs personally on attorney and client scale, and such costs to include the costs of Counsel according to scale C of the Uniform Rules of Court.

3. It is declared that the drafting of court documents, including issuing of Summonses, court applications, consultations with clients, and appearing before court by MR KENNETH PHUTUMA NTILA after he was struck off the roll as a practising attorney of the court is irregular, unlawful and accordingly not in accordance with justice and public interest.
4. The action proceedings under case No: 2655/2023 purportedly instituted by LUXOLO FODI INC on behalf of the Respondent which include issuing of Summonses and other court documents is hereby set aside as nullity for the reasons that MR KENNETH PHUTUMA NTILA had presented himself as an attorney and sole director of LUXOLO FODI INC after he was struck off the roll of attorneys under case No: 48028/2012.

2026-05-15

5. The Registrar of this court is hereby directed to bring to the attention of all Registrars of the Eastern Cape High Court Division that MR KENNETH PHUTUMA NTILA is not allowed to appear before any Court of Law in the Republic of South Africa for the reasons that he was struck off roll of the practising attorneys on 5 December 2013.
6. The head of HAWKS also known as "DPCI" in the Eastern Cape Province is hereby directed to consider whether the conduct of MR KENNETH PHUTUMA NTILA of continuity in appearing in courts and more particularly on 14 May 2026 including the alleged collecting of monies from various clients when presenting himself as an attorney after he was struck off the roll, do not constitute criminal offences which require investigations and possible criminal prosecutions.

7. The Eastern Cape Director of Public Prosecution or Acting Director of Public Prosecution in the Eastern Cape should consider whether MR KENNETH PHUTUMA NTILA's conduct of appearing in courts in particular on 14 May 2026 at the Mthatha High Court under case No: 2655/2023 is not a conduct that fall within the commission of an offence that should be investigated and considered for prosecution.
8. The Registrar of this court must place this order on the Notice board of the court and circulate the order to the secretaries of all judges in the Eastern Cape High Court.
9. The order must be served to the secretaries of the Bar Council, Attorneys association and all relevant stake holders of the Legal profession.
10. The court shall provide full reasons for the order within a period of 30 days or such extended period as may be necessary.

BY THE ORDER OF COURT

REGISTRAR

