

COURT ORDERS LANDLADY TO LET TENANT RETURN TO HER FLAT

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A landlord who allegedly caused a tenant and her two children to be temporarily locked out was temporarily ordered to restore possession of the Overport flat.

Estate agent Mrs. Caroleen Natalie Bazley, who occupied flat 31, Sandan, 576 Brickfield Road, brought the urgent application (a spoliation order) in the Magistrate's Court, Durban, this week.

The court ordered Sandan (Pty) Ltd managing director Dr. Sanjay R Ramkissoo and Sandan (Pty) Ltd to restore the premises to Mrs Bazley.

The company and Dr. Ramkissoo have until September 6 to show cause why the order should not be made final.

On her return from work on Friday August 4, Mrs. Bazley noticed that the locks to the flat door had been changed.

"My furniture was placed in the corridor of the floor. I effectively had no access to my flat," she said in an affidavit.

"I immediately telephoned Dr. Ramkissoo, who informed me he had the locks changed. He alleged I had not paid my rent for August 1995. However, this rental is only due on August 7."

"He had refused to restore possession to me."

"I was in peaceful and undisturbed possession of the premises and was deprived of the premises forcibly, wrongfully and without my consent."

Mrs. Bazley said she concluded a written tenancy contract with Dr. Ramkissoo in the first week of July this year.

She urgently contacted the Organisation of Civic Rights' chairman Mr. Sayed-Iqbal Mohamed, and attorney Mr. Krubashen Moodley to act for her.

They secured the temporary court order on Monday morning.