

REPUBLIC OF SOUTH AFRICA



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

CASE NO: 25604/2016

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED

8 SEPTEMBER 2016 FHD VAN OOSTEN

In the matter between

VUYO MVOKO

APPLICANT

and

**THE SOUTH AFRICAN BROADCASTING
CORPORATION SOC LTD**

RESPONDENT

J U D G M E N T
(LEAVE TO APPEAL)

VAN OOSTEN J:

[1] The applicant now seeks leave to appeal against the whole of my judgment and the order I have made.

[2] A number of grounds have been advanced in support of the application. The grounds, in my view, reveal a misreading of my judgment and a misconception of the

true nature of the issues raised in the main application. What seems to have been overlooked is that the relief granted was premised on the contractual relationship between the parties and aimed at reaching finality in the pending investigation. I do not consider it necessary to once again deal with those issues and the reasons for my order.

[3] I am accordingly not convinced that another court may reasonably come to a different conclusion.

[4] In the absence of reasonable prospects of a successful appeal, leave to appeal ought not to be granted.

[5] In the result I make the following order:

1. Leave to appeal is refused.
2. The applicant is to pay the costs of the application for leave to appeal, such costs to include the costs of two counsel.

FHD VAN OOSTEN
JUDGE OF THE HIGH COURT

COUNSEL FOR APPLICANT

ADV L SISILANA
ADV TN NGCUKAITOBI

APPLICANT'S ATTORNEYS

BOWMAN GILFILLAN INC

COUNSEL FOR RESPONDENT

ADV S DU TOIT SC
ADV A BESTER
ADV S KANYANGARARA

RESPONDENT'S ATTORNEYS

NCUBE INC

DATE OF HEARING
DATE OF JUDGMENT

8 SEPTEMBER 2016
8 SEPTEMBER 2016