

REPUBLIC OF SOUTH AFRICA



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

CASE NO: 03095/2017

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

11th April 2022

.....

Date

A handwritten signature in black ink, appearing to read "ML Twala", is written over a horizontal dotted line.

.....

ML TWALA

In the matter between:

ZUNGULA SINDISWA

RESPONDENT/PLAINTIFF

And

PASSENGER AGENCY OF SOUTH

AFRICA**APPLICANT/DEFENDANT**

JUDGMENT

Delivered: This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the judgment is deemed to be 11th April 2022

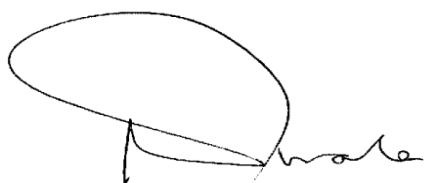
TWALA J

- [1] For the sake of convenience, in this judgment I shall refer to the parties as in convention. Furthermore, this Court directed that this matter be determined on the papers without an oral hearing, as provided for in the Gauteng Division Consolidated Directives; re Court Operations during the National State of Disaster issued by the Judge President of this Division on the 18th of September 2020.
- [2] This is an application for leave to appeal against the whole of the judgment and order of this Court handed down electronically on the 8th February 2022 holding that the defendant liable for 100% of the plaintiff's proven damages.
- [3] It is a trite principle of our law that leave to appeal may only be given where the Judge or Judges concerned are of the opinion that the appeal would have a reasonable prospect of success or where there is some other compelling

reason why the appeal should be heard, including conflicting judgments on the matter under consideration. (*See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013*).

- [4] The grounds for the leave to appeal are succinctly stated in the notice of application for leave to appeal and I do not intend to restate them in this judgment. Furthermore, I would like to extend my gratitude and appreciation to both counsel for the submissions made in their concise heads of argument filed in this application for leave to appeal.
- [5] I am satisfied that I have covered and considered all the issues raised in the application for leave to appeal in my judgment. I am therefore of the view that there are no reasonable prospects of success in this appeal. Put differently, I am of the view that there is no prospect that another Court may come to a different conclusion in this case. Therefore, the application for leave to appeal the judgment falls to be dismissed.
- [6] In the result, the following order is made:

The application for leave to appeal is dismissed with costs.



TWALA M L

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION

Filing of Heads of Argument: 28th of March 2022

Date of Judgment: 11th February 2022

For the Plaintiff: Advocate F. Matika
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