



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

REPUBLIC OF SOUTH AFRICA

CASE NO: 05002/2020

|     |                                 |
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| (1) | REPORTABLE: NO                  |
| (2) | OF INTEREST TO OTHER JUDGES: NO |
| (3) | REVISED: NO                     |
| (4) | DATE: 17/04/2023                |
|     | SIGNATURE: ML SENYATSI          |

In the matter between:

**ABSA BANK LIMITED**

Applicant

And

**PARKER SPENCER RYAN**

First Respondent

**PARKER GREGORY WAYNE**

Second Respondent

**Neutral Citation:** *ABSA Bank Limited v Parker Spencer Ryan and Parker Gregory Wayne* (Case No: 05002/2020) [2023] ZAGPJHC 326 (17 April 2023)

**Delivered:** By transmission to the parties via email and uploading onto Case Lines the Judgment is deemed to be delivered. The date for hand-down is deemed to be 17 April 2023.

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## JUDGMENT

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### (Leave to Appeal Application)

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#### **SENYATSI J:**

- [1] This is an application for leave to appeal against the order of this court granted on 14 October 2021, which was followed by written reasons provided on 27 January 2023 and sent to the parties electronically.
- [2] For convenience sake, the parties will be referred to as in the main application.
- [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 reasonable prospect of success or where there is a compelling reason, including conflicting judgments, why the appeal should be heard.<sup>1</sup>
- [4] The test whether the requirements of section 17(1)(a) of the Act have been met is a stringent one.<sup>2</sup>
- [5] The grounds of appeal have been spelt out in the notice of application for leave to appeal and will not be repeated in this judgment. I appreciate the contribution

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<sup>1</sup> Section 17(1)(a) of the Superior Courts Act No.10 of 2013 ("the Act")

<sup>2</sup> See MEC for Health, Eastern Cape v Mkhitha and Another [2016] ZASCA 176 paras 16-17

by counsel for the applicant and the effort by both respondents regarding the heads of arguments which have been considered in this judgment.

- [6] Having considered the grounds raised in support of the application for leave to appeal; I am satisfied that the order and the reasons for the judgment have fully considered the law and the facts.
- [7] It follows in my opinion, that there is no prospect that the appeal would succeed because the threshold as required by the Act has not been met. There are also no compelling reasons why the appeal should be heard.

**ORDER**

- [8] Accordingly, the application for leave to appeal is dismissed with costs.

A handwritten signature in black ink, consisting of a large loop at the top and several vertical strokes, positioned above a horizontal line.

**ML SENYATSI  
JUDGE OF THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, JOHANNESBURG**

**DATE JUDGMENT RESERVED:** 27 February 2023

**DATE JUDGMENT DELIVERED:** 17 April 2023

**APPEARANCES**

Counsel for the Applicants: Adv N Alli

Instructed by: Jay Mothobi Incorporated

Representation for the

Respondents: Self-represented