



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

CASE NO: 11407/2019

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

04/08/23

.....
Date

.....
ML TWALA

ALF'S TIPPERS CC

APPLICANT

And

MARTHA SUSANNA STEYN

RESPONDENT

JUDGMENT

Delivered: This judgment and order 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 order is deemed to be the 4th of August 2023.

TWALA J

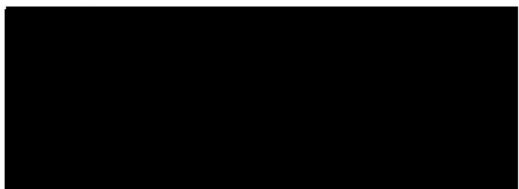
- [1] This is an application for leave to appeal the whole of the judgment and order of this Court delivered on the 19th of May 2023 which granted the applicant the relief is sought in terms of the notice of motion.
- [2] For the sake of convenience, in this judgment I shall refer to the parties as they are referred to 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 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 the 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 counsel for the parties for the submissions made in the heads of argument and at the hearing of this application.

[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 not persuaded by the respondent that there are reasonable prospects of success in this appeal. Put differently, I am of the view that there is no prospect that another Court would come to a different conclusion in this case. Therefore, the application for leave to appeal the judgment falls to be dismissed with costs.

[6] In the circumstances, I make the following order:

The application for leave to appeal is dismissed with costs.



TWALA M L

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION

Date of Hearing: 1st of August 2023

Date of Judgment: 4th of August 2023

For the Applicant: Advocate C van der Merwe

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