



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

CASE NO: 010253/2023

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

15 /09/23

.....
Date

.....
ML TWALA

In the matter between:

ZOVIFLO (PTY) LTD

And

HARALAMBOS PROKAS

**JOALETTE PROKAS
FOTINI PROKAS**

(Cited in their capacities as trustees of the
Prinia Heritage Trust (IT 952/12))

APPLICANT

FIRST RESPONDENT

**SECOND RESPONDENT
THIRD RESPONDENT**

**PRINIA INVESTMENT CAPITAL (PTY)
LIMITED**

FOURTH RESPONDENT

**THE COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION**

FIFTH 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 15th of September 2023.

TWALA J

- [1] This is an application for leave to appeal the whole of the judgment an order of this Court handed down on the 15th of August 2023 in which the applicant succeeded with the relief he sought in terms of his 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. Furthermore, it is noteworthy that it only the first, third and fourth respondents who are appealing this judgment.
- [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 view 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

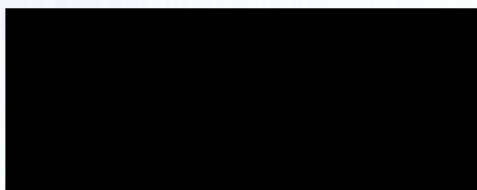
the matter under consideration. (*See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013*).

[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 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 respondents that there are reasonable prospects of success in this appeal. Put in another way, I am of the considered 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: 12th of September 2023

Date of Judgment: 15th of September 2023

For the Applicants: Advocate P F Louw SC

Instructed by: Mayet Attorneys Incorporated
Tel: 011 759 4050
aadil@mayetinc.co.za

For the Respondents: Advocate Bergenthuin SC

Instructed by: Hajibey-Bhyat & Mayet Inc
Tel: 011 431 1970
shaheen@jlaw.co.za