

IN THE SUPREME COURT OF SOUTH AFRICA
(WESTERN CAPE, HIGH COURT, CAPE TOWN)

CASE NUMBER:

23056/09

5 **DATE:**

13 AUGUST 2010

In the matter between:

BLACKBOARD MEDIA (PTY) LTD

1ST Applicant

TRACTOR OUTDOOR (PTY) LTD

2ND Applicant

10 **CK OUTDOOR ADVERTISING (PTY) LTD**

3RD Applicant

and

THE MUNICIPALITY OF THE CITY OF

CAPE TOWN

Respondent

15

J U D G M E N T

(Application for leave to appeal)

FOURIE, J:

20 The applicants seek leave to appeal to the Supreme Court of
Appeal against the whole of my judgment handed down on 18
December 2009. The application is opposed.

It is trite that in an application of this nature an applicant has
25 to satisfy the Court that it has a reasonable prospect of
/im /...

success on appeal. In addition the provisions of section 21(A) of the Supreme Court Act, No. 59 of 1959, are to be borne in mind. Section 21(A)(1) provides that when at the hearing of a civil appeal the issues are of such a nature that a judgment
5 or order sought will have no practical effect or result, the appeal may be dismissed on this ground alone.

Section 21(A)(3) further provides that save under exceptional circumstances the question whether a judgment or order would
10 have no practical effect or result, is to be determined without reference to consideration of costs.

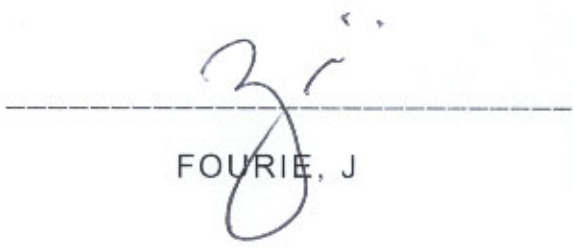
It appears to me that any order which may be made on appeal will have no practical effect or result. The relief sought in
15 applicants' amended notice of motion, pertains to measures and/or steps taken by respondent in terms of Annexure R3 to the founding papers. Annexure R3 was a communication sent to prospective advertisers by respondent's agent in order to provide them with information pertaining to the signage
20 opportunities in Cape Town during the 2010 Fifa World Cup. The World Cup and advertising opportunities relating thereto have come and gone with the result that any order which the Supreme Court of Appeal may make, will in my opinion have no practical effect or result. This is also not a case where
25 considerable costs have been incurred which could constitute

exceptional circumstances justifying an appeal on the issue of costs only.

I have also considered the application on its merits, in my view
5 there is no reasonable prospect that another Court will come to a different conclusion on the issues determined by me.

In the result the application for leave to APPEAL IS DISMISSED WITH COSTS, including the costs of two counsel.

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FOURIE, J

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