

IN THE HIGH COURT OF SOUTH AFRICA**(WESTERN CAPE HIGH COURT, CAPE TOWN)****CASE NUMBER:**

12280/06

DATE:

26 OCTOBER 2010

5 In the matter between:

VAN DER LESTApplicant
(Defendant)

and

10

LINDSAY AND WENDY BARON
FAMILY TRUSTRespondents
(Plaintiffs)15

J U D G M E N T**(Application for Leave to Appeal)**20 **GRIESEL, J:**

In this matter summary judgment was granted against the defendant in the amount as claimed by the Plaintiffs. The defendant has thereupon noted an application for leave to appeal and the grounds of appeal are set out in the notice
25 which is not necessary for me to repeat for purposes hereof.

I have given careful consideration to the points raised on behalf of the defendant and although I am satisfied that the end result may have been correct, I am of the view that there
30 is a reasonable prospect at this stage that another court might
/IM

/...

find differently.

Counsel were agreed that this is not a matter that deserves the attention of the Supreme Court of Appeal and in the
5 circumstances leave to appeal against the whole of the judgment is granted to the full bench of this division, the cost of the application for leave to appeal will be costs in the appeal.

10



GRIESEL, J