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

Case No: 2023 / 042442

Reportable: No Of Interest to other Judges: No 29 Jan 2024 Vally J

In the matter between:

SIBONGISENI MOKHINE MAXWELL MAGWAZA

First Applicant

(Identity Number: [...])

NTHOMBENHLE CYNTHIA NGWENYA

Second Applicant

(Identity Number: [...])

And

THE CITY OF EKURHULENI METROPOLITAN MUNICIPALITY

First Respondent

EKURHULENI METROPOLITAN POLICE DEPARTMENT

Second Respondent

KEAMOGETSE LOVEDENIA MAGWAZA

Third Respondent

JUDGMENT- Application for leave to appeal

Vally J

[1] In this matter I issued an order dismissing the application and ordering the applicants to jointly and severally pay the costs of the application. The applicants seek leave to appeal the full bench of this court. To this end they have filed an application furnishing detailed, cogent submissions to support their claim that there exists a reasonable prospect that another court invested with the same facts would come to a different conclusion. They have also supplemented these during their oral submissions.

[2] Having carefully considered the submission, and having re-examined the pleadings as well as the judgment itself, I have come to the conclusion that there is a reasonable prospect that another Court would come to a different conclusion. Accordingly, the following order is made:

- a. Leave to appeal to the full court of this Division is granted.
- b. Costs of the application for leave to appeal shall be costs in the appeal.

VALLY J

GAUTENG HIGH COURT, JOHANNESBURG

Date of hearing: 29 JANUARY 2024

Date of judgment: 29 JANUARY 2024

For the Applicant: S SHAMASE (Attorney)

For the Respondents: Sinethemba Vobi

Instructed by: M Mabunda Inc (for the first and second respondent)
and Sineke Attorneys (for the third respondent)