

**IN THE HIGH COURT OF SOUTH AFRICA,
FREE STATE DIVISION, BLOEMFONTEIN**

Case Number:3855/2021

Reportable: NO/YES

Of Interest to other Judges: NO/YES

Circulate to Magistrates: NO/YES

In the matter between:

TRANSNET SOC LIMITED

Applicant

And

**SCHOEMANPARK GOLF AND
RECREATIONAL CLUB**

Respondent

HEARD ON: This application was determined on the basis of written arguments instead of an oral hearing.

JUDGMENT BY: DANISO, J

DELIVERED ON: This judgment was handed down electronically by circulation to the parties' representatives by way of email and by release to SAFLII. The date and time for hand-down is deemed to be 11h00 on 17 June 2022.

[1] This is an opposed application for leave to appeal against my judgment and the consequent order delivered on 10 March 2022. The order followed upon the dismissal of the applicant's eviction application with costs.

[2] The application is, by consent between the parties determined on the basis of written heads of argument and it is premised on the grounds that there is a reasonable possibility that the Supreme Court of Appeal or the Full Bench of this court would come to another decision.

[3] I have considered the grounds for appeal and the written heads of arguments. In the grounds of appeal including the heads of argument the applicant has essentially regurgitated the arguments presented in the main application. The reasons for my conclusions in this regard are illustrated in my written judgment and having regard to what is deliberated in the judgment, I'm not persuaded that the issues raised by the applicant in its grounds of appeal would have reasonable prospects of success. There is also no compelling reason why the appeal should be heard. The respondent's application for leave to appeal stands to be dismissed.

[4] In the result the following order is made:

1. The application for leave to appeal to the Supreme Court of Appeal or the full bench of this division against my judgment granted on 10 March 2022 is dismissed with costs.

NS DANISO, J

For the applicant:

Adv. X. Hilita
McIntyre van der Post Attorneys
BLOEMFONTEIN

For the respondent:

Adv. SJ Reinders
Van Wyk & Preller INC.
BLOEMFONTEIN