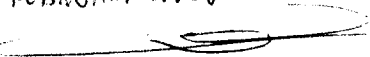


IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 52546/2014

DATE: 2019-08-02

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE:	YES (NO)
(2) OF INTEREST TO OTHER JUDGES:	YES (NO)
(3) REVISED.	✓
DATE	24 FEBRUARY 2020
SIGNATURE	

10 In the matter between

MELUMZI TUKAYI

Applicant

and

THE MINISTER OF DEFENCE

Respondent

JUDGMENT

WANLESS (AJ): This is an application by the applicant for leave to appeal to the full bench of this division arising from an application and, more particularly, in light of the judgment handed down by this court on 4 May 2018 whereby the applicant's application for review was dismissed, with costs.

This court has had the opportunity to listen carefully to the submissions made by the applicant, who appears in person, and also those submissions made on behalf of the respondent by respondents' counsel. It is trite that in terms of subsection 17(1)(a)(i) of the Superior

Courts Act, leave to appeal may only be given where the judge concerned is of the opinion that the appeal would have a reasonable prospect of success and that another court would come to a different decision.

It is neither customary nor expedient, for many reasons, for this court to deliver a detailed judgment in respect of whether or not the applicant has satisfied the criteria as set out in the aforesaid Act.

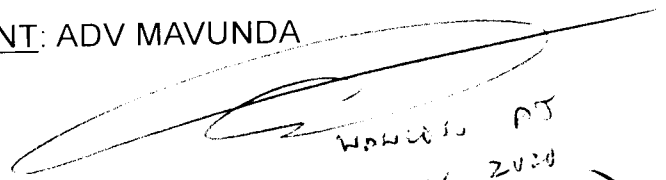
Having considered, once again, the applicant's notice of application for leave to appeal together with the submissions made
10 today before this court, this court is of the opinion that the applicant has failed to satisfy the aforesaid criteria. I may also add that there are no other compelling reasons why an appeal should be heard as contemplated by subsection 17(1)(a)(ii) of the Act. Certainly, none were placed before this court at the hearing of the application for leave to appeal.

Following thereon, the applicant's application for leave to appeal is dismissed. There is nothing to warrant this court departing from what may be described as the usual order pertaining to costs and that these costs should follow the result. In light thereof, the applicant is
20 ordered to pay the costs of this application for leave to appeal.

In conclusion, the application for leave to appeal is dismissed, with costs.

ON BEHALF OF THE APPLICANT: IN PERSON

ON BEHALF OF THE RESPONDENT: ADV MAVUNDA


WMAVUNDA PS
24 FEBRUARY 2020
(REVISION)