



IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED No
DATE:	11 July 2019.....
SIGNATURE:	<i>eies</i>

Case No. 24505/2019

In the matter between:

JR209 INVESTMENTS (PTY) LTD

FIRST APPLICANT

IDLEWILD FARM (PTY) LTD

SECOND APPLICANT

IDLEWILD FARM CC (PTY) LTD

THIRD APPLICANT

LIBERINI 112 CC

FOURTH APPLICANT

HY-LINE SOUTH AFRICA (PTY) LTD

FIFTH APPLICANT

MALUUVHA KWEKERY (PTY) LTD

SIXTH APPLICANT

And

**HOMELESS PEOPLE HOUSING COOPERATIVE
LIMITED
THE EKHURULENI METROPOLITAN
MUNICIPALITY
THE UNLAWFUL INVADERS OF PORTIONS 8,
10 AND 39 OF THE FARM WITKOPPIES 393
EKHURULENI**

FIRST RESPONDENT

SECOND RESPONDENT

THIRD RESPONDENT

THE GAUTENG DEPARTMENT OF
 AGRICULTURAL AND RURAL DEVELOPMENT
 THE MINISTER OF THE SOUTH AFRICAN
 POLICE SERVICES
 COLONEL RAKGALAKANE, STATION
 COMMISSIONER OF SAPS
 OLIFANTSFONTEIN
 SAMUEL MANDLHA SONGO

FOURTH RESPONDENT

FIFTH RESPONDENT

SIXTH RESPONDENT

SEVENTH RESPONDENT

JUDGMENT

MILLAR, A J

1. This is an application for leave to appeal by the first and seventh respondents against an order handed down on 26 April 2019.
2. The test for the granting of leave to appeal is set out in S 17(1) of the Superior Courts Act ¹ as follows:

“Leave to appeal may only be given where the judge or judges concerned are of the opinion that –

- (a) (i) *the appeal would have a reasonable prospect of success; or*

¹ Act 10 of 2013

- (ii) *there is some other compelling reason why the appeal should be heard; including conflicting judgments on the matter under consideration;*

3. This application sets out number of different grounds upon which it is alleged the court erred. Broadly these are firstly that the court postponed the application to hold the seventh respondent in contempt, secondly that the first respondent was held to be in contempt of an order granted on 19 April 2019, thirdly that credibility findings were made against the seventh respondent and lastly that paragraph 5.2 of the order in question may be interpreted to authorize the demolition of occupied structures.
4. I have considered the grounds upon which this application for leave to appeal has been brought, the reasons for granting the order of 26 April 2019 and the arguments advanced by the parties and am of the view that there is no reasonable prospect that another court would come to a different conclusion or that there is any compelling reason why leave to appeal should be granted in this matter.
5. In the circumstances, I make the following order:

The application for leave to appeal is dismissed with costs.



A MILLAR
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

HEARD ON: 11 JULY 2019

JUDGMENT DELIVERED ON: 11 JULY 2019

COUNSEL FOR THE APPLICANTS: ADV. WR DU PREEZ

(1ST & 7TH RESPONDENTS IN THE MAIN ACTION)

INSTRUCTED BY: LE ROUX & DU PLESSIS INC.

REFERENCE: MR G DU PLESSIS

COUNSEL FOR THE RESPONDENTS: ADV. P LOURENS

(1ST – 6TH APPLICANTS IN THE MAIN ACTION)

INSTRUCTED BY: ROESTOFF ATTORNEYS

REFERENCE: MR JJ ROESTOFF