



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

Reportable:	YES/NO
Of Interest to other Judges:	YES/NO
Circulate to Magistrates:	YES/NO

Case number: 5335/2016

In the matter between:

**KOPANE AND OTHERS
& OTHERS**

Applicants

and

**THE GREAT BLOEMFONTEIN TAXI Respondent
ASSOCIATION**

HEARD ON: 26 FEBRUARY

DELIVERED ON: 29 MARCH 2018

- [1] These proceedings concern an application for leave to appeal. On 12 October 2017, I struck off with costs an application for an interdict. The applicants were aggrieved. They decided to appeal against the order. The respondents oppose the current application.
- [2] The current application for leave to appeal was made on 16 November 2017, the ten court days after the prescribed deadline. It was supposed to have been lodged by 2 November 2017 at the very latest - Rule 49 (1)(b).
- [3] The applicants were mindful of their failure to meet the ten day timeline. They, therefore, applied in terms of Rule 27(3) to have their lateness condoned. The respondents did not oppose the interlocutory condonation application. Satisfied that good cause had been shown, I granted the condonation application.
- [4] I subsequently proceeded to hear the present main application for leave to appeal. The pivotal contention by the applicants, on which the current application is based, is that another court “will” come to a different conclusion if leave to appeal is granted. The respondents disagreed. They contend that no other court “will” conclude otherwise if the leave to appeal is granted.

[5] On the following grounds, Mr Snyman submitted that the proposition contended for by the applicants was legally flawed and unmeritorious:

5.1 None of the conclusions which the applicants now seek to advance were previously raised in their application for a final interdict;

5.2 They sought declaration of rights as well as review of Process where virtually no notice was given to any of the parties who stood to be substantial and adversely affected by the relief sought

5.3 From the affidavits filed, there appeared a clear dispute of fact on papers which militated against the grant of a final order .

5.4 The third respondent no longer has authority in law to issue or to amend taxi permits, not only at the time the application was launched but never had such authority from the very outset at the time the application was launched .

5.5 The amended taxi permits sought by the applicants and the taxi service providers rights to operate as such are governed by the new legal framework since 8 December 2009.

See the National Land Transport Act, 5 of 2009.

5.6 The relief sought by the applicants was erroneously premised on the outdated law which has since been repealed.

[6] In view of the above material considerations concerning procedural defects or shortcomings of the main application for leave to appeal, I am of the firm opinion that no other court will come to a different conclusion. That said, it follows that there is no reasonable prospect of success of appeal.

[7] In the result, I make the following order;

7.1 The applicants are denied leave to appeal

7.2 The costs of the application shall be borne and paid

By the applicants

7.3 Such costs shall include the costs relative to the condonation application.

MH RAMPAL, J

On behalf of the applicants: Adv P.S Heymans
Instructed by: EG Cooper Majiedt Inc
Bloemfontein

On behalf of the respondent: Adv C Snyman
Instructed by: Lovius Block Attorneys
Bloemfontein

