

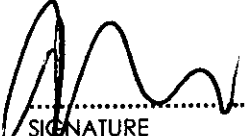
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

REPUBLIC OF SOUTH AFRICA



Date of hearing: 21 February 2017

Case number: 65188/2014

(1)	REPORTABLE: YES ☒ NO
(2)	OF INTEREST TO OTHER JUDGES: YES ☒ NO
(3)	REVISED.
	21/2/2017
	DATE
	
	SIGNATURE

21/2/2017

In the matter between:

RUDI PHEIFFER

First Applicant

RUDI PHEIFFER N.O

(in his capacity as trustee of the Pheiffer Family Trust)

Second Applicant

CORNELIA MARIA PHEIFFER N.O

(in her capacity as trustee of the Pheiffer Family Trust)

Third Applicant

and

ABOUT IT PRETORIA (PTY) LTD

First Respondent

GERHARDUS MARTHINUS OLIVIER

Second Respondent

GERHARDUS MARTHINUS OLIVIER N.O

(in his capacity as trustee of the Reivilo Trust)

Third Respondent

MADELEIN OLIVIER N.O

(in her capacity as trustee of the Reivilo Trust)

Fourth Respondent

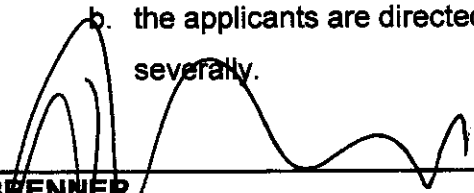
JUDGMENT IN APPLICANTS' APPLICATION FOR LEAVE TO APPEAL

BRENNER AJ

1. This is an application for leave to appeal against the whole of my judgment delivered on 10 November 2016, and is brought by the above applicants. The applicants served a notice of application for leave to appeal on 28 November 2016 ("the notice").
2. Having duly considered the various grounds adumbrated in the applicants' notice, I disagree.
3. It is not necessary for me to traverse the various grounds ad seriatim. This is because the crisp issue hinges on the validity of the agreement dated 22 April 2011. This agreement is void for failure to comply with section 6(1) of the Trust Property Control Act. Any factual matrix against which it was concluded is *toto caelo* irrelevant and cannot redeem an act which is void at law.
4. At the time the agreement was concluded, the Pheiffer Family Trust had not been registered and Rudi Pheiffer was not duly authorised to act under letters of authority issued by the Master of the High Court. These facts *simpliciter* are dispositive of the matter.

5. Suffice it to say that there is no need to repeat the grounds for arriving at my decision in this judgment.
6. In the premises, I am of the view that the applicants do not enjoy a reasonable prospect of success on appeal, and that there is no other compelling reason why an appeal against my judgment should be heard. In my respectful view, leave to appeal should accordingly be refused, with costs following the result.
7. The following order is granted:
 - a. the applicants' application for leave to appeal against my judgment delivered on 10 November 2016 is dismissed;

- b. the applicants are directed to pay the costs of this application jointly and severally.



T BRENNER
ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA
21 February 2017

Appearances

Counsel for the Applicants:	Adv JD Maritz SC with Adv PL Dye
Instructed by:	Gerhard Botha and Partners Inc
 Counsel for the Respondents:	 Advocate APJ Els
Instructed by:	Van der Merwe and Associates Inc