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: 5081/2014
4817/2014

In the matter between:

J.D.J KNIPE	1st Applicant
A.B.K KNIPE	2nd Applicant
J.M.D KNIPE	3rd Applicant

and

CAROL JESSSIE KATHLEEN LOTZ	1st Respondent
ROBERT PETRUS JANSEN KNIPE	2nd Respondent
THE COMPANY & INTELLECTUAL PROPERTY COMMISSION	3rd Respondent
O.A. NOORDMAN N.O.	4th Respondent
C.B. ST CLAIR COOPER N.O.	5th Respondent
S.M. RAMPORORO N.O.	6th Respondent
O.A. NOORDMAN N.O.	7th Respondent
C.B. ST CLAIR COOPER N.O.	8th Respondent
S.M. RAMPORORO N.O.	9th Respondent

HEARD ON: 2 JUNE 2017

JUDGMENT BY: C REINDERS, J

DELIVERED ON: 8 JUNE 2017

---

[1] Accounts taxed by the taxing master of this court in respect of case numbers 5081/2014 and 4817/2014 was taken on review by the applicants. The matter was reviewed by Molitsoane AJ who dismissed the application on 9 February 2017.

[2] The applicants now seek leave to appeal to the full bench of this division against the whole of the judgement and order of dismissal.

[3] Although the matter was not referred to open court but instead adjudicated upon in chambers, a party may seek leave to appeal against such an order.

See: **Vaaltyn v Goss** 1992 (3) SA 549(ECD) at 560J-561C.

[4] The matter served before me as the acting stint of Molitsoane AJ came to an end. I have perused all the papers before me. In particular I have read the judgment by Molitsoane AJ, considered the stated case by the taxing master, as well as the critique levelled against her by the applicant both orally and as set out in the notice of application for leave to appeal dated 23 February 2017.

[5] Mr Janse van Rensburg on behalf of the applicants persisted in his submission that the fees allowed by the taxing master were unreasonable and exorbitant and that the court erred by not ordering a referral back to the taxing master. According to Mr Halgryn on behalf of the seventh respondent, the taxing master gave a comprehensive and clear exposition of her allocators in her stated case, and Molitsoane AJ was correct in not interfering with the discretion exercised by her.

[6] Molitsoane AJ addressed all of the items of the taxing master's allocators against which the applicants felt aggrieved. He was not convinced that the taxing master erred and nor am I. Most of the critique levelled against the taxing master was to the effect that she did not exercise her discretion properly or shouldn't have come to certain conclusions. It is trite law that the function of taxing an account is exclusively that of the taxing master and the court merely oversees that the principles applicable to taxation had been followed. The court is reluctant to interfere with the decisions of the taxing master.

See: **Henpet Shades CC v Garzouzie** 1998 (3) SA 929 (O) at 935B-C.

President of the Republic of South Africa v Gauteng Lions Rugby Union 2002 (2) SA 64 (CC).

[7] I am not convinced that there is any possibility that another court will come to a different finding, let alone a reasonable possibility. It follows that the application should be dismissed and I am satisfied that the normal cost order should follow.

[8] Accordingly the following order will issue:

The application for leave to appeal is dismissed with costs.

____

C. REINDERS, J

On behalf of the Appellants:	Adv F.G. Janse van Rensburg Instructed by: Horn & Van Rensburg Attorneys BLOEMFONTEIN
On behalf of the Respondents:	Adv. L. Halgryn SC Instructed by: Matsepes Inc. BLOEMFONTEIN