



IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

(1) REPORTABLE: YES /NO
(2) OF INTEREST TO OTHER JUDGES: YES /NO
(3) DATE DELIVERED: 27/12/15
(4) SIGNATURE: [Signature]

27/12/15
CASE NO: 59304/13

In the matter between:

ROCLA (PTY) LTD

Applicant

and

SEKHUKHUNE DISTRICT MUNICIPALITY

First Respondent

HEXAGON TECHNOLOGISTES AND PROJECT

ENTERPRISES CC

Second Respondent

BERTRAM (PTY) LTD

Third Respondent

IZWELETHU-CEMFORCE CC

Fourth Respondent

JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL

MAKHUBELE AJ

[1] Judgment in this matter was delivered on 12 December 2014 and the application for leave to appeal was filed on 20 January 2015. The applicant also sought condonation for late filing of the application for

leave to appeal "*to the extent necessary*". This was not opposed and was duly granted.

[2] I have carefully considered the grounds of appeal, the arguments advanced and studied my judgment.

[3] I am required to consider, objectively, whether there are reasonable prospects of another court coming to a different conclusion than that I arrived at in my judgment. I am not required to justify my judgment or offer interpretation thereof. This is also not an opportunity for me to re-write or supplement my judgment.

[4] Having considered all the above, I am not convinced that there are reasonable prospects of another court (faced with the same facts and questions of law before me) coming to a different conclusion than that I arrived at in my judgment.

[5] Accordingly, I make the following order:

[5.1] The application for leave to appeal is dismissed with costs.



TAN Makhubele

Acting Judge of the High Court

APPEARANCES

APPLICANT: Advocate Jasper Daniels

Instructed by: Hogan Lovells South Africa , incorporated as Routledge
Modise Inc

C/O Jacobson & Levy Incorporated

FIRST RESPONDENT: Advocate MC Erasmus SC (with Advocate WTB
Ridgard)

Instructed by: Makhubela Attorneys