

LOM Business Solutions t/a Set LK Transcribers/MLS

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

CASE NO: 16678/06

DATE: 2009-06-18

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COURT OF APPEAL IS NOT APPLICABLE	
(1) REPORTABLE	YES/NO
(2) OF INTEREST TO OTHER JUDGES	YES/NO
(3) REVISED	✓
DATE 7/5/09	SIGNATURE <i>[Signature]</i>

In the matter between

DENIWA FOOD CONSORTIUM

1st Applicant

D C LOUW

*Gilmer
11/2/09*2nd Applicant

and

MINISTER OF DEFENCE

Respondent

J U D G M E N T (LEAVE TO APPEAL)

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PRINSLOO, J: This is an application for leave to appeal against the judgment I gave in November last year in the opposed motion court. Mr Vermeulen appears for the applicants for leave to appeal and Ms Haupt for the respondent.

At the outset, or at some stage during the proceedings I inquired as to the reason for the delay in bringing the application to my attention only a few weeks ago on 21 May when the application for leave to appeal was already lodged in December 2008. Through no fault of counsel, I could not get a definitive answer from either of them, but it appears that in the end the respondent took the initiative to expedite this application for leave to appeal and Mr Vermeulen suggested that there may have been an oversight in the office of the registrar.

10 Either way, it is as well to record that the application only came to my attention a few weeks ago when the request received attention. As to the merits of the application for leave to appeal, I dealt with all the issues at some length in the judgment and I do not propose revisiting everything for the purpose of this application and judgment.

After due reflection I have come to the conclusion that there is no reasonable prospect that another court will come to a different conclusion and the order that I make is that the application is dismissed with costs.