

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 49918/2021

In the matter between:

NATIONAL COUNCIL OF AND FOR PERSONS

WITH DISABILITIES

Applicant

and

(1)	<u>REPORTABLE:</u>	<u>YES / NO</u>
(2)	<u>OF INTEREST TO OTHER JUDGES:</u>	<u>YES / NO</u>
30/04/24.....		(s g d) N Tuchten.....

INDEPENDENT COMMUNICATIONS AUTHORITY

OF SOUTH AFRICA

Respondent

JUDGMENT

Tuchten J:

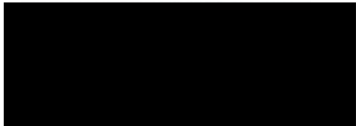
- 1 This is an application for leave to appeal from a judgment of Tolmay J, who is presently serving in the SCA.
- 2 The decision of the learned judge was based on the conclusion that the applicant had delayed unreasonably in bringing the application. The learned judge adverted to the merits in a single paragraph and

found that the applicant's submissions on the merits were unfounded. In my view it is reasonably arguable that the learned judge erred in finding that there was unreasonable delay and, further, that the applicant had not established a good case on the merits.

3 In my view, therefore, there are prospects of success in the proposed appeal. The issues and the importance of the rights are such that the appeal ought to be heard by the SCA.

4 I make the following order:

- 1 The applicant is granted leave to appeal to the Supreme Court of Appeal.
- 2 The costs of the application for leave to appeal will stand over, pending the decision on appeal.



NB Tuchten
Judge of the High Court
30 April 2024

NatCounDeafCASA.jm1

For the applicant:
Adv G Marcus SC and Adv E Watson
Instructed by:
Webber Wentzel
Sandton

For the respondent:
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