

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 24910/2021

(1)	REPORTABLE: No
(2)	OF INTEREST TO OTHER JUDGES: No
(3)	REVISED: YES
16/5/24	[REDACTED]
DATE	SIGNATURE

In the matter between:

JUDITH FREDA VAN SCHALKWYK

APPLICANT

and

**THE MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT**

FIRST RESPONDENT

THE MAGISTRATE COMMISSION

SECOND RESPONDENT

ANAND MAHARAJ N.O

THIRD RESPONDENT

**PARLIAMENT OF THE REPUBLIC
OF SOUTH AFRICA**

FOURTH RESPONDENT

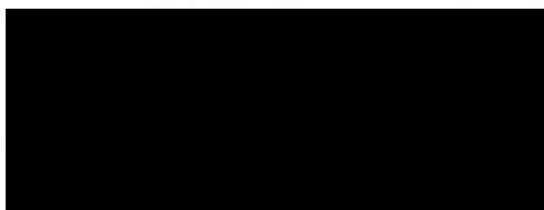
JUDGMENT

TWALA J

- [1] For the sake of convenience I propose to refer to the parties herein as they were referred to in the main application. Furthermore, this Court directed that this matter be determined on the papers without an oral hearing, as provided for in the Gauteng Division Consolidated Directives; re Court Operations during the National State of Disaster issued by the Judge President of this Division on the 18th of September 2020.
- [2] The applicant brought this application for leave to appeal against the whole of the judgment and order of this Court handed down electronically on 19 March 2024. The application is opposed by the first to the third respondent.
- [3] At the outset, I would like to express my gratitude to both counsels for the applicant and the respondents for the concise heads of argument and submissions made therein which have been more than helpful in determining the issues in this application.
- [4] It is a trite principle of our law that leave to appeal may only be given where the Judge or Judges concerned are of the opinion that the appeal would have a reasonable prospect of success or where there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.¹
- [5] The grounds for the leave to appeal are succinctly stated in the notice of application for leave to appeal and I do not intend to repeat them in this judgment.

¹ See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013

[6] I am satisfied that I have covered and considered all the issues raised in the application for leave to appeal in my judgment. I am therefore not persuaded by the applicant that there are reasonable prospects of success in this appeal. Put differently, I am of the view that there is no prospect that another Court would come to a different conclusion in this case. Therefore, the application for leave to appeal the judgment falls to be dismissed.



TWALA M L
JUDGE OF THE HIGH COURT,
SOUTH AFRICA
GAUTENG LOCAL DIVISION

Date of Hearing:

Written submissions filed 10 May 2024

Date of Judgment:

16 May 2024

Appearances

For the Applicant:

Advocate Feroze Boda SC

Advocate Suhail Mohammed

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For the First,second

And third Respondents:

Advocate Timothy Bruinders SC

Advocate Nadia Badat

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For the Fourth Respondent:

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This judgment and order was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date of the order is deemed to be the 16 May 2024.