

REPUBLIC OF SOUTH AFRICA



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

088430-2024

Heard on: 12 September 2024

Judgment: 16 September 2024

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED.
<u>16 SEPTEMBER 2024</u> DATE	 SIGNATURE

In the matter between:

**FORENSIC INVESTIGATION RISK AND RECOVERY
MANAGEMENT (PTY) LTD**

Applicant

And

**THE UNEMPLOYMENT INSURANCE FUND
24SIX CA
ALTITUDE BUSINESS ADVISORY**

First Respondent
Second Respondent
Third Respondent

CHAPU CA	Fourth Respondent
DITHETO ACCOUNTANTS	Fifth Respondent
EZEE CHARTERED ACCOUNTANTS	Sixth Respondent
IZALA VERIFICATORS	Seventh Respondent
IZALA VERIFICATORS CPT	Eighth Respondent
KST HOLDING	Ninth Respondent
KULUNGWANA ACCOUNTANTS	Tenth Respondent
LEBONE LA AFRICA CONSULTANTS	Eleventh Respondent
LEOLO AND PARTNERS CHARTERED ACCOUNTANTS	Twelfth Respondent
MAINE MANAGEMENT AND CHARTERED ACCOUNTANTS	Thirteenth Respondent
MKWANAZI INVESTMENTS	Fourteenth Respondent
MNB CHARTERED ACCOUNTANTS	Fifteenth Respondent
MOROBI CHARTERED ACCOUNTANTS	Sixteenth Respondent
NAMBE FINANCIAL CONSULTANTS	Seventeenth Respondent
NDEMEX CONSULTING	Eighteenth Respondent
NKS CASA	Nineteenth Respondent
OMC CONSULTING	Twentieth Respondent
RSND CONSULTING PROFESSIONALS	Twenty-First Respondent
SAMBA SOLUTIONS	Twenty-Second Respondent
SIMDAR CONSULTING	Twenty-Third Respondent
SONDLO CHARTERED ACCOUNTANTS	Twenty-Fourth Respondent
SVZ CONSULTING	Twenty-Fifth Respondent
THABI CONSULTING	Twenty-Sixth Respondent
THE ACCOUNTING VILLAGE	Twenty-Seventh Respondent

**UBUNTU BUSINESS ADVISORY AND
CONSULTING**

(Listed as UBAC FORENSICS on CIPC)

Twenty-Eighth Respondent

THE DEPARTMENT OF LABOUR

Twenty-Ninth Respondent

This judgment was prepared and authored by the Judge whose name is reflected and is handed 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 for handing is deemed to be 16 September 2024.

JUDGMENT

STRIJDOM J

[1] In this matter the first and twenty-third respondent seek leave to appeal to the Supreme Court of Appeal, alternatively to the Full Court of the Gauteng Division, against the whole of my judgment and costs order handed down on 20 August 2024 in the Urgent Court.

[2] The application for leave to appeal is opposed by the applicant in the main application.

[3] The grounds of appeal in respect of the first and twenty-third respondents are set out in the respective applications for leave to appeal. I do not intend to repeat same.¹

¹ Caseline: 031 – 1 to 031 – 13 First respondent's grounds of appeal 031 -1 to 030 – 14.

[4] Applications for leave to appeal are governed by sections 16 and 17 of the Superior Courts Act, 10 of 2013 (the Act). Section 17 makes provision for leave to be granted where the presiding judge or judges concerned are of the opinion that the appeal would have a reasonable prospect of success, or if there is some compelling reason why the appeal should be heard including conflicting judgments on the matter under consideration.

[5] With the enactment of section 17 of the Act, the test has now obtained statutory force and is to be applied using the word “would” in deciding whether to grant leave. In other words, the test is: “Would another Court come to a different decision.”

[6] Each application for leave to appeal must be decided on its own facts. Some examples of what will be regarded as compelling reasons have been identified. They include:

- (a) The substantial importance of the case to the applicant or to both the applicant and respondent;
- (b) The decision sought to be appealed against involves an important question of law;
- (c) The administration of justice either generally or if the particular case concerned requires the appeal to be heard; and
- (d) An issue of public importance which will have an effect on future matters.

[7] It is trite that appellants need to convince the Court on proper grounds that they have prospects of success on appeal. Those prospects of success must not be remote, but there must exist a reasonable chance of succeeding.

[8] Having considered all the grounds of appeal raised by the first and twenty-third respondents as well as the facts and the law as presented by the parties, I am of the view that the appeal has reasonable prospects of success.

[9] When the facts and the law were examined, there is in my view also a sound and rational basis for the conclusion that there are compelling reasons why the appeal should be heard. This matter is of substantial importance to both the applicant and the respondents and would raise important constitutional issues and questions of law.

[10] In the result, the following order is made:

1. Leave to appeal is granted to the first and twenty-third respondents to the Supreme Court of Appeal.
2. Costs will be costs in the appeal.



STRIJDOM J.J
JUDGE OF THE HIGH COURT
GAUTENG DIVISION,
PRETORIA

Appearances:

For the Applicant in the main application: Adv A Granova

Instructed by:

V Chetty Inc

For the First Respondent:

Adv E Van As

Instructed by:

The State Attorney

For the Twenty-Third Respondent:

Mr N.P Voyi

Instructed by:

Voyi Inc Attorneys