

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO.: 24227/2021

- (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED: NO

Date: 30 September 2024 E van der Schyff

In the matter between:

Aaron Stanger N.O.

Applicant

and

Bradley Brett Stanger

Respondent

JUDGMENT

Van der Schyff J

- [1] I handed down a written judgment in this matter on 24 August 2024. The applicant filed an application for leave to appeal, and the application was heard on 16 September 2024.

- [2] Several grounds of appeal were listed. After having considered the papers filed of record, the judgment handed down, and the grounds of appeal, I am not of the opinion that another court would come to a different conclusion.
- [3] Counsel for the applicant submitted that I did not consider the full factual context of the matter. If regard is had to the written judgment and, in particular, the introduction section where I summarised the facts, it is evident that I did consider the full factual context in considering the application.
- [4] I am, specifically, not of the opinion that another court would find that the applicant proved that the respondent's sequestration would be to the advantage of the whole body of creditors. Since I explained the reasons for my order in the written judgment and stand by it, it is unnecessary to revisit the issues.
- [5] Section 17 of the Superior Courts Act 10 of 2013 prescribes that leave to appeal may only be granted where the judge is of the opinion that the appeal would have a reasonable prospect of success, or that there is some other compelling reason why the appeal should be heard. The jurisdictional facts for granting leave to appeal, captured in section 17(1)(a), have not been met. As a result, the application for leave to appeal stands to be dismissed.

ORDER

In the result, the following order is granted:

- 1. The application for leave to appeal is dismissed, with costs, counsel's costs on Scale B.**


 E van der Schyff
 Judge of the High Court

Delivered: This judgment is handed down electronically by uploading it to the electronic file of this matter on CaseLines. As a courtesy gesture, it will be emailed to the parties/their legal representatives.

For the applicant:	JL Kaplan
With:	E Dreyer
Instructed by:	Aaron Stanger & Associates
For the respondent:	MD Silver
Instructed by:	David Kotzen Attorneys
Date of the hearing:	16 September 2024
Date of judgment:	30 September 2024