

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE Number: 38707/2020

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

2024

In the matters between: -

AB STEPHEN PHETEDI MOTSEO
ROSSIE THLAISHEGO MOTSEO
and
LUCY MAKHADA MONAMA N.O.

FIRST APPLICANT
SECOND APPLICANT

LUCY MAKHADA MONAMA

FIRST RESPONDENT

SECOND RESPONDENT

NEDBANK LTD

THIRD RESPONDENT

REGISTRAR OF DEEDS

FOURTH RESPONDENT

CITY OF TSHWANE METROPOLITAN
MUNICIPALITY

FIFTH RESPONDENT

JUDGMENT (APPLICATION FOR LEAVE TO APPEAL)

BAQWA, J

Introduction

[1] The applicants seek leave to appeal against the judgment of this court handed down on 27 May 2024.

[2] The grounds for leave to appeal have been fully ventilated in both parties heads of argument.

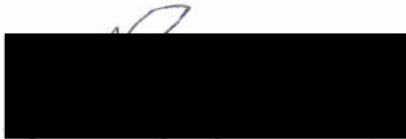
[3] Section 17 (1) of The Superior Courts Act (“the Act”) provides that leave to appeal may only be granted where the judge or judges concerned are of the opinion that;

“(a)

- (i) The appeal would have a reasonable prospect of success; or
- (ii) There is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.”

[4] After considering all the submissions, I am satisfied that the applicants have satisfied the requirements of section 17 (1) (a) of the Act regarding the prospects of success on appeal.

[5] Accordingly, the application for leave to appeal is granted to the full court of appeal of the Gauteng Division. Costs are costs in the appeal.


SELBY BAQWA
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Date of hearing: 08 November 2024

Date of judgment: 08 November 2024

Appearance

On behalf of the Applicants

Adv J Delport

delport@clubadvocates.co.za

On behalf of the Respondents

Adv RS Mafuyeka

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