



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

CASE NO: 22734/2022

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

26 November 2024

EJ FRANCIS

In the matter between:

GUNTHER FRANZ RECKMANN

Applicant

(Applicant in the review application)

and

BUSANI MABUNDLA N.O.

First Respondent

(First Respondent in review application)

EMPOWA INVESTMENTS (PTY) LIMITED

Second Respondent

(Second Respondent in review application)

ANDREW ADAM LIPSHITZ

Third Respondent

(Third Respondent in review application)

ROCKFIRE SA PROPRIETARY LIMITED

Fourth Respondent

(Fourth Respondent in review application)

RAINER SCHORR

Fifth Respondent

(Fifth Respondent in review application)

LAURINEE CASTLE

Sixth Respondent

(Sixth Respondent in review application)

WALTER FISCHERSeventh Respondent
(Seventh Respondent in review application)

JUDGMENT

FRANCIS J

1. This is the first application for leave to appeal by the applicant against my judgment delivered on 12 April 2024. The application for leave to appeal was filed on 3 May 2024. This was after I had dismissed with cost the applicant's application to review and set aside two determinations made by the first respondent in terms of the provisions of the Arbitration Act 42 of 1965 (the Arbitration Act) alternatively the common law and to set aside the first respondent's appointment as an expert.
- 2, There is a second application for leave to appeal filed by the fifth to seventh respondents as well as an application for condonation for the late filing of that application which will be dealt with in a separate judgment since the parties in that application are cited differently.
3. The second and third respondents had opposed the review application and brought a counter application to make the determinations an order of court which I granted.
4. The applicant has raised 11 grounds for leave to appeal which grounds are set out in his application for leave to appeal. I do not deem it

necessary to repeat those grounds for leave to appeal since they are set out in the application for leave to appeal.

5. The first and third to seventh respondents were cited as interested parties against whom no relief was sought save in the event of such respondents opposing the granting of the relief sought in which case costs would be sought against them, jointly and severally, the one paying and the other to be absolved. They did not file any opposing affidavits and did not oppose the relief that was sought by the applicant and the second and third respondents in their application to make the determination an order of court.
6. The application for leave to appeal is brought in terms of the provisions of section 17(1)(a)(i) and (ii) of the Superior Courts Act 10 of 2013 (the Superior Courts Act). The aforesaid section provides 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 prospects of success and that there is a compelling reason why the appeal should be heard including conflicting judgments on the matter under consideration.
7. All the issues that the applicant has raised in this application for leave to appeal were dealt with comprehensively in my judgment. I have carefully perused the grounds for leave to appeal and do not believe that there are any reasonable prospects of success and that there is a

compelling reason why the appeal should be heard including conflicting judgments in the matter under consideration.

8. The application for leave to appeal stands to be dismissed with costs.
9. In the circumstances the following order is made:
 - 9.1 The application for leave to appeal is dismissed with costs on a part and party scale.



FRANCIS J
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

APPEARANCES

FOR APPLICANT : F STRYDOM & C GIBSON INSTRUCTED BY
MEISIE NKAISENG INCORPORATED

FOR 2 & 3 RESPONDENTS : D WATSON INSTRUCTED BY
WERKSMANS ATTORNEYS

DATE OF JUDGMENT : 26 NOVEMBER 2024

This judgment was handed down electronically by circulation to the parties' and/or parties' representatives by email and by being uploaded to CaseLines. The date and time for hand-down is deemed to be 10h00 on 26 November 2024.