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IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case Number: 13189/2014

(1) REPORTABLE: NO.

(2) OF INTEREST TO OTHER JUDGES: NO.

(3) REVISED.

DATE 2025-02-14

SIGNATURE

In the matter between:

L N NDZIBA N.O.

First Applicant

(In her capacity as Executrix in the deceased estate of
the Late Ruth Rose Ntombi Makiwane)

MVYO MVELASE NDZIBA

Second Applicant

(ID NO.: 6[...])

LINDELWA NOBANTU NDZIBA

Third Applicant

(ID NO.: 6[...])

and

ABSA BANK LIMITED

Respondent

This judgment 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 for handing down is deemed to be 14 February 2025.

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

POTTERILL J

[1] The applicant is seeking leave to appeal the whole of the judgment and order granted on 14 November 2024.

[2] I am satisfied that the orders granted in this matter is purely procedural and in terms of Section 16(2)(a)(i) of the Superior Courts Act 10 of 2013 [the Act] the issues are of such a nature that the decision sought will have no practical effect or result simply because the orders are not final in nature and only regulates procedure.

[3] Furthermore, in terms of section 17 of the Act leave to appeal may only be granted where the appeal would have reasonable prospects of success. I am of the opinion that there is no sound and rational basis for granting leave and there are no reasonable prospects of success.

[4] The leave to appeal is dismissed with costs.

S. POTTERILL
JUDGE OF THE HIGH COURT

CASE NO: 13189/2014

HEARD ON: 13 February 2025

FOR THE APPLICANTS: ADV. M. NDZIBA

INSTRUCTED BY: GM Tjiane Attorneys Inc.

FOR THE RESPONDENT: ADV. M.P. VAN DER MERWE SC

INSTRUCTED BY: Tim du Toit & Co Inc.

DATE OF JUDGMENT: 14 February 2025