

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

CASE NO: 133934/2023

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED: YES

DATE 24 February 2025

SIGNATURE

In the matter between:

URBAN GROWTH INVESTMENTS (PTY) LTD

Appellant/Applicant

and

MESH VC (PTY) LTD

Respondent

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

(The matter was heard in open court on 21 February 2025 but judgment was reserved. Judgment will be handed down by uploading the judgment onto the electronic file of the matter on CaseLines. The date of uploading of the judgment onto CaseLines is deemed to be the date of the judgment)

BEFORE: HOLLAND-MUTER J

[1] The position of when leave to appeal may be given is governed by the provisions of Section 17(1) of the Superior Court Act, Act 10 of 2013. Section 17(1) states that leave to appeal may only be given where the Judge concerned is of the opinion that:

(a) (i) the appeal would have a reasonable prospect of success in another

court; or

- (ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration” .

[2] I have had the opportunity to hear both counsel on behalf of the parties and perused the application for leave to appeal as well as the short heads of arguments on behalf of the respondent.

[3] Taking all into consideration, I am of the view that there is no reasonable prospect of success on appeal and that another court will not reasonably come to a different decision.

[4] The application for leave to appeal is dismissed with costs, costs to be on a party and party scale on Scale C.

HOLLAND-MUTER J
Judge of the Pretoria High Court

Matter was heard on 21 February 2025.

Judgment was handed down on 24 February 2025.

Appearances:

On behalf of the Appellant: Adv I Stansfield

On behalf of Respondent: Adv J H Sullivan