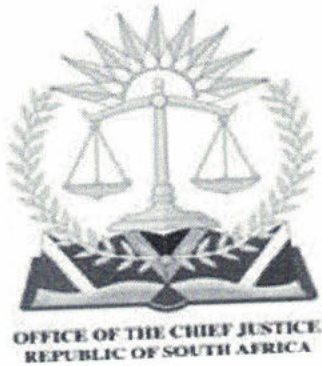




IN THE HIGH COURT OF SOUTH AFRICA
(Gauteng Division, Pretoria)

Case no: 112621/24

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



SIGNATURE

DATE: 26 February 2025

Heard on: 25 February 2025

Judgment: 26 February 2025

In the matter between:

**DUMISA LEONARD
SHABANGU**

FIRST APPLICANT

**DL SHABANGU INCORPORATED
ATTORNEYS**

SECOND APPLICANT

AND

**THE SOUTH AFRICAN LEGAL PRACTICE
COUNCIL**

RESPONDENT

JUDGMENT

STRIJDOM, J

1. In this matter the applicants apply for leave to appeal to the Full Court of this Division against the whole of my judgment and order dated 23 January 2025, granting the application brought by the respondent.
2. The application for leave to appeal is opposed by the respondent.
3. The grounds of appeal are set out in the application for leave to appeal. I do not intend to repeat same.
4. Section 17(1)(a) of the Superior Courts Act 10 of 2013 provides that leave to appeal may only be granted where the Judge or Judges concerned are of the opinion that the appeal would have a reasonable prospect of success; or if there is some compelling reason why the appeal should be heard including conflicting Judgments on the matter under consideration.
5. With the enactment of section 17 of the Act, the test has now obtained statutory force and is to be applied using the word "would" in deciding whether to grant leave. In other words, the test is "would another Court come to a different decision."
6. It is now trite that an appellant faces a higher and stringent threshold in terms of the Act. The use of the word "would" in the new statute indicates a measure of certainty that another Court will differ from the Court whose judgment is sought to be appealed against.
7. In respect of the application for leave to appeal against the whole of my judgment, the applicants raised as grounds a challenge to every finding made in the judgment. The argument on this aspect was essentially a re-presentation of that

which was advanced during the main application, and which was dealt with in the Judgment.

8. I have considered the grounds upon which this application for leave to appeal has been brought and the arguments advanced by the parties at the hearing. I have also considered the reasons for my judgment on the main application and am of the view that there is neither a reasonable prospect that another Court would come to a different conclusion nor an arguable point of law or other compelling reason which merits the granting of leave to appeal

9. In the circumstances, it is ordered that:

9.1 The application for leave to appeal is dismissed with costs.


JJ STRIJDOM

JUDGE OF THE HIGH COURT OF
SOUTH-AFRICA, GAUTENG DIVISION,
PRETORIA

APPEARANCES:

For the applicants:	Adv BL Shabangu
Instructed by:	Ledwaba Mazwai Attorneys
For the respondent:	Adv JM Moolman
Instructed by:	Damons Magardie Richardson Attorneys