

REPUBLIC OF SOUTH AFRICA



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

Case Number: 071891/2023

- (1) REPORTABLE: YES
(2) OF INTEREST TO OTHER JUDGES: YES
(3) REVISED: YES

18 March 2025

DATE

SIGNATURE

In the matter between:

INSTITUTE FOR ECONOMIC JUSTICE

First Applicant

#PAYTHEGRANTS

Second Applicant

and

MINISTER OF SOCIAL DEVELOPMENT

First Respondent

SOUTH AFRICAN SOCIAL SECURITY AGENCY

Second Respondent

MINISTER OF FINANCE

Third Respondent

JUDGMENT

- [1] This is an application for leave to appeal launched by the respondents against the whole of the judgment and order of this Court handed down electronically on 23 January 2025 granting certain declaratory orders and other ancillary relief in favour of the applicants together with an order for costs.
- [2] In this judgment for the application for leave to appeal, I propose to refer to the parties as they were referred to in the judgment to the main application. Further, it is noteworthy that, for the sake of convenience, the Court directed that the application for leave to appeal be determined on the papers without an oral hearing.
- [3] It is a trite principle of our law 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 prospect of success or where there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.¹
- [4] The grounds for the leave to appeal are succinctly stated in the notice of application for leave to appeal and I do not intend to repeat them in this judgment. Furthermore, I would like to extend my gratitude and appreciation to the counsels of the parties for the concise heads of argument and submissions made therein.
- [5] Although I am satisfied that I have considered all the issues and arguments raised in this case in my main judgment, I am of the view that, due to the complexity and seriousness of this case which impacts on the most vulnerable

¹ See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013.

and to almost thirty percent of the population, and the public interest that it raises, it deserves the attention of the Supreme Court of Appeal.

[6] I disagree with the applicants that this Court should grant leave to appeal only certain orders and not the whole of the judgment and order of this Court. I say so, because that will cause unnecessary delays in bringing this case, which has profound implications on the poor and vulnerable members of the community, to finality. Put differently, I am of the view that the interests of justice will be better served if this case is heard by a Superior Court and in this instance, the Supreme Court of Appeal. Therefore, the application for leave to appeal the judgment falls to be granted.

[7] In the result, the following order is made:

1. Leave to appeal the judgment of this Court dated 23 January 2024 to the Supreme Court of Appeal, is granted.
2. Costs to be costs in the appeal.



TWALA M L

Judge of the High Court of South Africa

Gauteng Division, Pretoria

For the Applicants:

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Date of Hearing: DECIDED ON THE PAPERS

Date of Judgment: 18 March 2025

Delivered: This judgment and order 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 Case Lines. The date of the order is deemed to be the 18 March 2025.