

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case Number: 083524-2023

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED.
29/5/2025	
DATE	SIGNATURE

In the matter between:

RAMAPUPUTLA ATTORNEYS INCORPORATED

Applicant
(in the Application for Leave to Appeal)

and

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL:
NATIONAL OFFICE**

First Respondent
(in the Application for Leave to Appeal)

**THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL:
PROVINCIAL OFFICE**

Second Respondent
(in the Application for Leave to Appeal)

**DISCIPLINARY COMMITTEE OF THE GAUTENG
PROVINCIAL OFFICE
(SITTING ON 15 JUNE 2023)**

Third Respondent
(in the Application for Leave to Appeal)

RAMA ANNANDALE & MUNONDE ATTORNEYS

Fourth Respondent
(in the Application for Leave to Appeal)

NOMBULELO MBULAWA

Fifth Respondent
(in the Application for Leave to Appeal)

APPLICATION FOR LEAVE TO APPEAL

AC BASSON, J

[1] This is an application for leave to appeal against the judgment and order granted by this court on 3 March 2025.

[2] The grounds for leave to appeal are listed in no less than 8 pages. I do not intend restating the grounds save to point out that I have had regard to all the grounds. I also had regard to the extensive heads of arguments filed on behalf of the applicant and those filed on behalf of the respondents.

[3] In the judgment, the court summarized its findings as follows:

"[17] To recap: The applicant instituted an application to review and set aside the findings and reasons of the second respondent. It is further claimed that the "disciplinary committee proceedings" were procedurally unfair and biased. It also seeks an order that the "disciplinary committee proceedings were administratively flawed and was not independent". There is no merit in this argument, as already pointed out: This was not a disciplinary inquiry, and no decision was taken that could be said to affect the applicant adversely. Moreover, the findings of the report have no external effect. The report does not even recommend disciplinary action against the applicant. As already pointed out, the report merely calls upon the applicant to account for the monies received as it is obliged by law to do so in terms of LPC Rule 54.12. Lastly, this finding does not amount to administrative action because it is not a decision that *"adversely affects the rights of any person*

and which has direct external legal effect." The LPC also confirms that a disciplinary committee has not yet been convened in the matter. Accordingly, this report is not reviewable under the PAJA."

[4] The applicant fundamentally misconstrues the judgment. This court found that the conduct sought to be reviewed do not constitute administrative action for the reasons set out in the judgment and therefore that the application was dismissed for that reason.

The test for leave to appeal

[5] Section 17 of the Superior Court's Act¹ regulates an application for leave to appeal from a decision of the High Court. It provides as follows; -

"17. Leave to appeal –

(1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that –

(a) (i) the appeal would have reasonable prospects of success; or

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

(b) the decision sought on appeal does not fall within the ambit of section 16(2)(a) (a); and

(c) Where the decision sought to be appealed does not dispose of all the issues in the case, the appeal would lead to a just and prompt resolution of the real issues between the parties."

[6] Prior to the Superior Court's Act, the test in an application for leave to appeal was whether there were reasonable prospects that another court might come to a different conclusion. Section 17(1) has raised the bar in this regard, and as Bertelsmann J, held in *Mont Chevaux Trust v Tina Goosen and 18 Others*²; -

"It is clear that the threshold for granting leave to appeal against a judgment of a High Court has been raised in the new Act. The former test whether leave to appeal should be granted was a reasonable prospect that another

¹ Act 10 of 2013.

² 2014 JDR 2325 (LCC) at para 6 (3 November 2014).

court might come to a different conclusion, see Van Heerden v Cornwright & Others 1985 (2) SA 342 (T) at 343H. 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] I am not persuaded that there are reasonable prospects that another court might come to a different conclusion in respect of the order granted by this court. Cost should follow the result. Therefore, I make the following order:

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



JUDGE A.C. BASSON
JUDGE OF THE HIGH COURT
GAUTENG DIVISION OF THE HIGH COURT, PRETORIA

Delivered: The reasons for the 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 Caselines. The date of the reasons is deemed to be 32nd May 2025.

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Appearances:

For the applicant: Mr Ramaputla of Ramaputla Attorneys

For the first, second and third respondents: Adv Moolman

Instructed by: Damons Magardie Richardson Attorneys