

**IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN**

Not reportable / Reportable

Case no: 4915/2021

In the matter between

T[...] P[...] K[...]

APPLICANT

And

**GOVERNMENT EMPLOYEES PENSION
FUND**

FIRST RESPONDENT

B[...] B[...] K[...]

SECOND RESPONDENT

Neutral citation: *Government Employees Pension Fund v T[...] P[...] K[...] and Another* (4915/2021) [2025] ZAFSHC 196 (25 June 2025)

Coram: Chesiwe J

Heard: On the papers as per the directive with heads of argument filed on 30 May 2025 and 06 June 2025 respectively.

Delivered: This judgment was handed down electronically by circulation to the parties' representatives by email and released to SAFLII. The date and time for hand-down is deemed to be 13h00 on 25 June 2025.

Summary: Application for leave to appeal against an *ex-tempore* judgment – premised on *lis pendens* of a divorce matter and pension funds – leave to appeal is sought to the Full Court of this Division – prospects of success before another court.

ORDER

- 1 Condonation for late filing of the *ex-tempore* judgment is granted;
 - 2 The application for leave to appeal is granted to the Full Court of this Division;
 - 3 Costs to be costs in the appeal.
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JUDGMENT

Chesiwe J

[1] This is an application for leave to appeal the whole of the *ex-tempore* judgment and order delivered on 25 October 2024. The application is opposed by the First Respondent. Second Respondent filed a notice to abide.

[2] The grounds for leave to appeal are set out in the application and need not be repeated herein.

[3] The parties had filed written heads of argument and I do not intend repeating the argument advanced in support of the application.

[4] This matter involves *lis pendens* of a divorce matter and pension funds of the Second Respondent and after having considered the grounds of appeal as well as the written submissions in support thereof, as well as the *ex-tempore* judgment, I am of the view that another court might come to a different conclusion.

[5] Accordingly, the following order is made:

- 1 Condonation for late filing of the *ex-tempore* judgment is granted;
- 2 The application for leave to appeal is granted to the Full Court of this Division;
- 3 Costs to be costs in the appeal.

CHESIWE J**Appearances**

For the Applicant:

P S Mphuloane

Instructed by:

Maqoma Attorneys Inc.

For the First Respondent:

K Motselebane

Instructed by:

Makubalo Attorneys