

Reportable:	NO
Circulate to Judges:	NO
Circulate to Magistrates:	NO
Circulate to Regional Magistrates	NO



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

CASE NUMBER: 2025-055433

In the matter between:-

CHARLES ALLAN JORDAN

Applicant

and

**CITY OF JOHANNESBURG
METROPOLITAN MUNICIPALITY**

1st Respondent

**CITY POWER JOHANNESBURG (SOC)
LTD**

2nd Respondent

JOHANNESBURG WATER (SOC) LTD

3rd Respondent

JUDGMENT: LEAVE TO APPEAL

FMM REID J:

[1] This is an application for leave to appeal against an urgent application in which it was found that (a) the matter is urgent, and (b) the applicant failed to establish *locus standi* and the application consequently was as such dismissed.

[2] The application for leave to appeal is brought on the grounds that this Court erred in the following findings:

2.1. That it is not clear in which capacity the applicant is acting, being it personal, as representative of the property, alternatively the owner of the property (Foresight Office Unit CC), or as representative of his mother and her care-taker;

2.2. That no regard is to be given to the Power of Attorney from the owner of the property, Foresight Office Unit CC, in favour of the applicant;

2.3. That the applicant does not have a direct interest in the subject matter of the application, notwithstanding the fact that the applicant is the party liable for payment of the

account of the 1st respondent for services supplied by the respondents, which services is an integral subject matter of the application;

2.4. That the applicant does not have a direct interest in the subject matter or the application, notwithstanding the fact that he is the lessee incidental to a lease agreement in terms of which the applicant pays rent for the property that he utilises for the purposes as set out in his founding affidavit;

2.5. That the applicant does not have a direct interest in the subject matter of the application, notwithstanding the fact that he is a person who has or at all relevant times had legal authority to give permission to any person to enter or reside on the property in question;

2.6. That the applicant does not have a direct interest in the subject matter of the application, notwithstanding the fact that he is a person who has or at all relevant times had legal authority to give permission to any person to enter

or reside on the property in question;

2.7. That the owner of the property, Foresight Office Unit CC, which has not occupied the property to which the electricity and water supply and municipal services are provided by the respondents since at least 2019, would have a direct interest in the outcome of the application as opposed to the interest of the applicant;

2.8. That the role and position of the Applicant in the application is not 'unequivocally clear' to 'any person reading the court papers'.

[3] The applicant seeks leave to appeal to the full court of this Division, alternatively the Supreme Court of Appeal.

[4] The test for granting leave to appeal is set out in Section 17(1)(a) of the **Superior Courts Act** 10 of 2013, which provides that leave to appeal may only be granted if the Court is of the opinion that:

4.1. The appeal would have a reasonable prospect of

success; or

- 4.2. There is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.

- [5] In the matter of **The Mont Chevaux Trust (IT 2012/28) v Tina Goosen and 18 Others** 2014 JDR 2325 (LCC) the following was stated:

*'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 court might come to a different conclusion, see **Van Heerden v Cronwright & 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.'*

- [6] The courts are discouraged of granting leave to appeal where scarce judicial resources are utilised on matters where another court would not come to a different conclusion. A certain amount of confidence has been introduced, in that the

court must consider whether another court would, not should, come to a different conclusion. Put differently, it must be very probable that another court would come to a different conclusion, before a court should grant leave to appeal.

[7] After consideration of the grounds for the leave to appeal, the following findings are made:

7.1. The grounds of appeal, as advanced, do not have any reasonable prospects of success.

7.2. There is no other compelling reason why the appeal should be heard.

[8] As such, I find that the application for leave to appeal does not meet the requirements set out in Section 17 of the Superior Courts Act and stands to be dismissed.

Costs

[9] The general principle is that the successful party is entitled to its costs. I find no reason to deviate from the general principle.

[10] The respondents are therefore entitled to a cost order in their favour.

Order

[11] In the premise, the following order is made:

- i) The application for leave to appeal is dismissed.
- ii) The applicant is ordered to pay the costs of the respondents, on a party and party basis on Scale C.



**FMM REID
JUDGE OF THE HIGH COURT
GAUGENG DIVISION JOHANNESBURG**

DATE OF LEAVE TO APPEAL: 20 JUNE 2025
DATE OF JUDGMENT: 8 JULY 2025

REPRESENTATION:
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