



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

CASE NO: 2021/39063

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

01/07/25

Date

ML TWALA

SULTAN ZEBERGA SHIRBEZA

APPLICANT

And

TOBITRIX (PTY) LTD

RESPONDENT

JUDGMENT

TWALA J

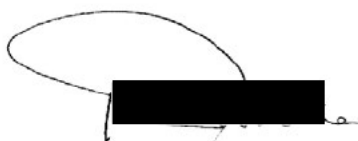
- [1] It is worth mentioning at the outset that this Court directed that this case be determined on the papers without an oral hearing, as provided for in the Gauteng Division Consolidated Directives; re Court Operations during the National State of Disaster issued by the Judge President of this Division on the 18th of September 2020.
- [2] The applicant brought this application for leave to appeal against the whole of the judgment and order of this Court handed down electronically on 27 February 2025. The application is opposed by the respondents.
- [3] At the outset, I would like to express my gratitude to counsel for the parties for the concise heads of argument and submissions made therein which have been helpful in determining the issues in this application.
- [4] 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
- [5] 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.

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

[6] I am satisfied that I have covered and considered all the issues raised in the application for leave to appeal in my judgment. I am therefore not persuaded by the applicant that there are reasonable prospects of success in this appeal. Put differently, I am of the view that there is no prospect that another Court would come to a different conclusion in this case. Therefore, the application for leave to appeal the judgment falls to be dismissed.

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

The application for leave to appeal is dismissed with costs.

A handwritten signature in black ink, appearing to be 'Twala M L', is written over a black rectangular redaction box. A horizontal line is drawn below the signature.

TWALA M L
JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION JOHANNESBURG

For the Plaintiff: **Advocate AM Jardine**

Instructed by: **Burnett Attorneys & Notaries**
Tel: 012 941 2260
emma@burnett-law.co.za

For the Defendant: **Advocate T Ndaba**

Instructed by: **Sebola Nchupetsang Sebola Inc**
Tel: 011 568 7100
londeka@snsinc.co.za

Date of Hearing: **Decided on the papers**

Date of Judgment: **01 July 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 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 01 July 2025.