



**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

CASE NO.: D981/2023

In the matter between:

WORKFORCE STAFFING (PTY) LTD

APPLICANT

and

RK STRUCTURES CC

FIRST RESPONDENT

RYAN JOHN KLOPPER

SECOND RESPONDENT

ORDER

The following order shall issue:

- (1) The Second Respondent is granted leave to appeal to the Full Court of the KwaZulu-Natal Provisional Division.
- (2) The cost of the application for leave to appeal shall be costs in the appeal, save that should the Second Respondent not proceed with the appeal, the Second Respondent is to pay these costs.

JUDGMENT

MOODLEY AJ

[1] This is an application for leave to appeal brought by the Second Respondent in the judgment I handed down on 06 March 2025 (hereinafter referred to as “the Judgment”) wherein judgment was granted against the Second Respondent. The effect of the Judgment was that the Second Respondent was found to be jointly and severally liable to the Applicant for a debt incurred by the First Respondent.

[2] The Second Respondent contends that I erred in finding that the written statement/s made on behalf of both the First and Second Respondents in the written heads of argument prepared by counsel who had previously acted on the behalf of the Second Respondent as being binding admissions of fact binding the Second Respondent. I shall not repeat the grounds of appeal herein.

[3] The Applicant opposes the application for leave to appeal on the basis that it submits that the Second Respondent does not meet the statutory test that it is compelled to, that being “*the appeal would have a reasonable prospect of success*”, and that the Judgment is indeed correct.

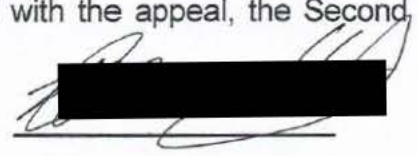
[4] Both parties produced heads of argument in the matter and aired their contentions at the hearing of the matter as to how the statement/s on the relevant heads of argument should have been categorised, and the weight that ought to have been attached to such. They further addressed me on what the finding should have been had the statement/s not been categorised as admission/s, and the matter determined on the merits.

[5] I have fully considered the grounds raised to appeal the judgment and the submissions made by the parties. I am persuaded that the appeal would have reasonable prospects of success.

ORDER

[6] Accordingly, the following order is made:-

- (a) The Second Respondent is granted leave to appeal to the Full Court of the KwaZulu- Natal Provisional Division.
- (b) The cost of the application for leave to appeal shall be costs in the appeal, save that should the Second Respondent not proceed with the appeal, the Second Respondent to pay these costs.



M MOODLEY AJ

Case information

Date of hearing:	5 September 2025
Date of judgment:	11 September 2025
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