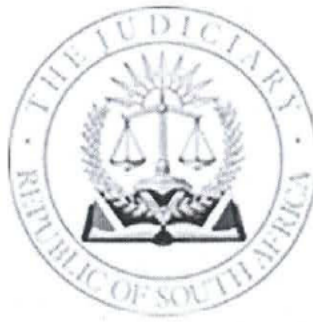




IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: ~~YES~~/NO
 (2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO
 (3) REVISED

DATE: 15 September 2025

SIGNATURE: 

Case No. 130746/2025

In the matter between:

TAYOB, MOHAMED MAHIER N.O

1ST APPLICANT

**NORTHWEST TRANSPORT INVESTMENTS
(SOC) LTD (IN BUSINESS RESCUE)**

2ND APPLICANT

**NORTHWEST STAR (SOC) LTD
(IN BUSINESS RESCUE)**

3RD APPLICANT

**ATTERIDGEVILLE BUS SERVICES (SOC) LTD
(IN BUSINESS RESCUE)**

4TH APPLICANT

And

SAMONS, THOMAS HENDRICK N.O

1ST RESPONDENT

MEC FOR THE DEPARTMENT OF COMMUNITY
SAFETY & TRANSPORT MANAGEMENT,
NORTH WEST PROVINCIAL GOVERNMENT

2ND RESPONDENT

3RD RESPONDENT

MEC FOR THE DEPARTMENT OF PROVINCIAL
TREASURY OF THE NORTH WEST
PROVINCIAL GOVERNMENT

MEC FOR THE DEPARTMENT OF ROADS &
TRANSPORT GAUTENG PROVINCE

4TH RESPONDENT

ABSA BANK LTD

5TH RESPONDENT

TANSNAT COACHLINES (PTY) LTD

6TH RESPONDENT

TRIPONZA TRADING 548 CC

7TH RESPONDENT

ALL AFFECTED PERSONS LISTED IN
ANNEXURE X

8TH RESPONDENT

Coram: Millar J

Heard on: 11 September 2025

Delivered: 15 September 2025 - This judgment was handed down electronically by circulation to the parties' representatives by email, by being uploaded to the *CaseLines* system of the GD and by release to SAFLII. The date and time for hand-down is deemed to be 08H30 on 15 September 2025.

JUDGMENT

MILLAR J

[1] The applicants have applied for leave to appeal against an order granted by me on 2 September 2025 in which the application was dismissed due to the first applicant having no *locus standi*. This was the sole issue which, by agreement was to be determined.¹ The second respondent did not appear at the hearing of the main application but has now, made common cause with the applicants in seeking leave to appeal the judgment. The second respondent delivered a notice of appeal of its own.

[2] The test for the granting of leave to appeal pertinent to the present matter is set out in section 17(1) of the Superior Courts Act² as follows:

“(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 a reasonable prospect of success or

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

[3] I have considered the grounds upon which the application has been brought by both the applicants and the second respondent and the reasons given by me in the judgment for the order granted. The grounds are in my view a repetition of

¹ There were other issues which were resolved by agreement and made an order of court, but they did not require any decision by the court. These are mentioned in the main judgment but have no bearing on the present application.

² 10 of 2013.

what was argued and considered before me initially and there is no need to traverse this terrain again.

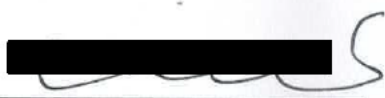
[4] I have also considered the submissions made in court and in the respective heads of argument where these were filed, for the granting of leave to appeal on the part of the applicants and second respondent and those opposing the granting of leave to appeal on behalf of the first, sixth, seventh and eighth respondents.

[5] I am not persuaded that another court would come to a different conclusion. It was argued that there may be a notional *lacuna* in the time periods when one has regard to section 18(1) of the Superior Courts Act read together with section 129(5) and section 139(3) of the Companies Act. This it was argued, constituted a substantial and compelling reason why leave ought nevertheless to be granted. In the present matter, factually, this *lacuna* did not arise and so while the issue may be of academic interest, it will in my view have no bearing on the outcome of any appeal. It is thus in the circumstances not a substantial or compelling reason either for the granting of leave to appeal.

[6] In the circumstances, I make the following order:

[6.1] The application for leave to appeal is dismissed.

[6.2] The applicant and the second respondent, jointly and severally, are ordered to pay the costs of the respondents who opposed the application for leave to appeal on the scale as between party and party, such costs to include the costs consequent upon the engagement of two counsel. The scale of counsel's costs is scale C.


A MILLAR

**JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA**

HEARD ON: 11 SEPTEMBER 2025

JUDGMENT DELIVERED ON: 15 SEPTEMBER 2025

COUNSEL FOR THE APPLICANT: ADV. G HULLEY SC

INSTRUCTED BY: MAYET INC.

REFERENCE: MR. A MAYET

COUNSEL FOR THE 1st RESPONDENT: ADV. AJ DANIELS SC
ADV. C DE VILLIERS-GOLDING

INSTRUCTED BY: RICHTER ATTORNEYS

REFERENCE: MR. B RICHTER

COUNSEL FOR THE 2nd RESPONDENT: ADV. T MATHOPO

INSTRUCTED BY: MOSIRE TSIANE ATTORNEYS

REFERENCE: MR. RAMASHALA

COUNSEL FOR THE 6TH, 7TH AND
ONE OF THE 8TH RESPONDENTS: ADV. A GOVENDER SC
ADV. M DAFEL

INSTRUCTED BY: CUZEN RANDEREE DYASI INC.

REFERENCE: MR. Z RANDEREE

NO APPEARANCE FOR THE 3RD, 4TH AND 5TH RESPONDENTS