



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: [REDACTED]

Case No. 121475/2024

In the matter between:

DAMONS, JUANITO MARTIN N.O.

FIRST APPLICANT

VAN DER MERWE, ELZERI JANE N.O.

SECOND APPLICANT

And

BEZUIDENHOUT, LEONARD FRANCOIS

RESPONDENT

Coram:

Millar J

Heard on: 15 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 11H00 on 15 September 2025.

JUDGMENT

MILLAR J

- [1] The applicants have applied for leave to appeal against an order granted by me on 25 August 2025 dismissing an application to set aside payments made to the respondent and for repayment to the Company in liquidation.
- [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 Act¹ 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”*

¹ 10 of 2013.

- [3] I have considered the grounds upon which the application has been brought by the applicants and the reasons given by me in the judgment for the order granted. The grounds are in my view a repetition of 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 for the granting of leave to appeal on the part of the applicants and those opposing the granting of leave to appeal on behalf of the respondent.
- [5] I am not persuaded that another court would come to a different conclusion or that there is some other compelling reason why leave to appeal should be granted.
- [6] Since Mr. Bezuidenhout again appeared in person, there will be no order for costs.
- [7] In the circumstances, I make the following order:
- [7.1] The application for leave to appeal is dismissed.
- [7.2] There is no order for costs.


A MILLAR
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

HEARD ON:

15 SEPTEMBER 2025

JUDGMENT DELIVERED ON:

15 SEPTEMBER 2025

COUNSEL FOR THE APPLICANTS:

ADV. HP WESSELS

INSTRUCTED BY:

VAN DER MERWE & ASSOCIATES

REFERENCE:

RESPONDENT:

IN PERSON