



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

CASE NO: 111031/24

1. Reportable: No
2. Of interest to other judges: No
3. Revised: Yes

(Signature) Date: 6 October 2025

In the matter between:

MOLEFE RUFARO MTHULISI DLODLO

Applicant

and

ACTING CHAIRPERSON JUDICIAL CONDUCT

First Respondent

COMMITTEE

JUDICIAL CONDUCT COMMITTEE

Second Respondent

JUDICIAL SERVICES COMMISSION

Third Respondent

LEAVE TO APPEAL JUDGMENT

ALLY AJ

1. This is an application for leave to appeal the judgment of this Court on 21 August 2025. The application is opposed by the Respondents.
2. The parties were represented as in the hearing of the main application heard by this Court, namely, by the Applicant in person and for the Respondents by Adv. L. Monthso-Moloiwane SC.
3. It has now become trite that the test in applications for leave to appeal has changed to one which is heightened¹. The Applicant is accordingly required to convince this Court that another Court 'would' come to another conclusion.

The Supreme Court of Appeal² has stated the test to be as follows:

"What the test of reasonable prospects of success postulates is a dispassionate decision, based on the facts and the law, that a court of appeal could reasonably arrive at a conclusion different to that of the trial court. In order to succeed, therefore, the appellant must convince this court on proper grounds that he has prospects of success on appeal and that those prospects are not remote but have a realistic chance of succeeding. More is required to be established than that there

¹ The Mont Chevaux Trust v Tina Goosen 3 November 2014 (unreported judgement LCC Case No: LCC14R/2014; The Acting National Director of Public Prosecution v Democratic Alliance (unreported case no: 19577/09 dated 24 June 2016); First Reality (Pty) Ltd v Mitchell & Others 2021 ZALCC 21 dated 23 August 2021 @ para 2

² S v Smith 2012 (1) SACR 576 SCA @ para 7

is a mere possibility of success, that the case is arguable on appeal or that the case cannot be categorised as hopeless. There must, in other words, be a sound, rational basis for the conclusion that there are prospects of success on appeal.”

4. It is appropriate to repeat the requirements for an application for leave to appeal.

Section 17 (1) of the Superior Courts Act³ provides as follows:

“Leave to appeal may only be given where the judge or judges concerned are of the opinion that-

(a) (i) the appeal would have reasonable prospects of success; or

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

(b) ...

(c) ...”

5. I have read and considered all the grounds of appeal as well as the submissions of both the Applicant and Counsel for the Respondents and I remain unconvinced that another Court would come to a different conclusion, the application thus has no reasonable prospects of success. Furthermore, there are no compelling reasons why leave to appeal should be granted.

³ 10 of 2013, as amended

6. In respect of the costs of this application, it is my view that the norm that costs follow the result should apply and the costs of Counsel should be on Scale C.

7. Accordingly, the following Order shall be issued:

- a). the application for leave to appeal is dismissed;
- b). the Applicant is to pay the Respondents costs on Scale C.



ACTING JUDGE OF THE HIGH COURT

GAUTENG LOCAL DIVISION OF THE HIGH COURT, JOHANNESBURG

Electronically submitted therefore unsigned

Delivered: This judgement was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be **6 October 2025**.

APPEARANCES

Attorneys for the Applicant : In person
molefedlodlo@gmail.com

Counsel for the Respondents : **Advocate L. Montsho-Moloiwane SC**

Attorneys for the Respondents : **State Attorney Johannesburg**
10th Floor
North State Building
Johannesburg
CJossie@justice.gov.za