

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 46179/2014

DATE: 28-10-2025

DELETE WHICHEVER IS NOT APPLICABLE
(1) REPORTABLE: YES / NO
(2) OF INTEREST TO OTHER JUDGES: YES / NO
(3) REVISED ✓

12 / 11 / 2025

In the matter between

10

ZIMEMA NELISIWE PERTRONELLA

and

NEDBANK LTD

J U D G M E N T

VAN DER WESTHUIZEN AJ: In matter 46179/2014 the matter between Zimema NP versus Nedbank LTD, there is, an application, now belatedly sought to obtain leave to appeal
20 against a written judgment. In an application for rescission of judgment. My Judgment was delivered during October 2023, refusing the application for rescission. What transpired was that, once the respondent obtained a judgment against the present applicant in respect of a foreclosure, the respondent, abandoned that portion of the judgment and matters were

then to have proceeded on an opposed application for foreclosure. As already recorded, that judgment that I delivered on or about 23 October 2023, has effectively become moot. Matters have proceeded and in view thereof that the judgment in respect of the initial foreclosure application was abandoned by the respondent, there was no reason why this application for leave to appeal should proceed. This matter was before me in the beginning of this year wherein the applicant sought leave to belatedly continue
10 with the application for leave to appeal. Certain terms were set that had to be met. The order also included time periods in respect of which the parties, and particular the applicant, were to file the necessary affidavits in the foreclosure application, which is presently pending. For all intents and purposes, there is no merit in the present application for leave to appeal. The applicant still has the opportunity to oppose the 'new' foreclosure application, but it would be a futile exercise to grant any leave to appeal the refusal of the rescission application now. The application for leave to
20 appeal was originally set down to be heard during the course of last week, but at a late stage the applicant sought that the matter rather be heard on another date. The date that was set was today. The applicant acknowledged that the matter was set down for 09:00 this morning, yet there is no appearance on behalf of the applicant. It follows that there

could be no prospects of success in respect of any possible appeal against the judgment of October 2023 and it will have no effect, accordingly the application for leave to appeal is dismissed with cost.

.....
[REDACTED]
VAN DER WESTHUIZEN AJ

JUDGE OF THE HIGH COURT

DATE: 12 November 2025