

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 2024-111871

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED: NO

17/11/2025

DATE

MOKOSE SNI

In the matter between:

JOHANNES PHILLIPPUS FREDERICK STEYN

1st Applicant

KAREN STEYN

2nd Applicant

RENEE MAGDALENA STEYN

3rd Applicant

PHILLIPUS STEYN (SNR)

4th Applicant

A2Z TRADER AND SERVICES (PTY) LIMITED

5th Applicant

and

AA SPRING & WIRE (PTY) LIMITED

Respondent

In re:

AA SPRING & WIRE (PTY) LIMITED

Applicant

and

JOHANNES PHILLIPPUS FREDERICK STEYN	1 st Respondent
WILLIAM GUNSTON AUGUST VICTOR	2 nd Respondent
VICTOR STEEL (PTY) LIMITED	3 rd Respondent
LISL COETZEE	4 th Respondent
KAREN STEYN	5 th Respondent
RENEE MAGDALENA STEYN	6 th Respondent
MR PHILLIPUS STEYN (SNR)	7 th Respondent
A2Z TRADER AND SERVICES (PTY) LIMITED	8 th Respondent
INSIMBI MANUFACTURING	9 th Respondent

LEAVE TO APPEAL

MOKOSE J

[1] The applicants have applied for leave to appeal to the Supreme Court of Appeal alternatively, the Full Court of this Division against the judgment and order I delivered on 10 February 2025 under case number 111871/2024.

[2] The applicants seek leave to appeal on several grounds as stated in its application for leave to appeal. Counsel for the applicants addressed the court on the salient points raised in the application. These points were opposed by counsel for the respondent on the grounds that I have reasoned out well in my judgment and made submissions that there are no prospects of success.

[3] The test for granting an application for leave to appeal is whether there are reasonable prospects of success. Section 17 of the Superior Courts Act 10 of 2013 ("the Act") states that leave to appeal may only be granted where the judge or judges are of the opinion that:

- (a)
 - (i) the appeal would have a reasonable prospect of success; or
 - (ii) for some other compelling reason, it should be heard, including conflicting judgements on the matter under consideration.
- (b) the decision sought does not fall within the ambit of Section 16(2)(a) of the Act; and

- (c) where the decision sought to be appealed does not dispose of all the issues in the case, the appeal would lead to a just and prompt resolution of the real issues between the parties.

[4] The test laid down in Section 17 of the Act is now a subjective one and no longer an objective test. There must be a measure of certainty that another court will differ from the court whose judgment is sought to be appealed against.¹ The court held in the case of *The Mont Chevaux Trust v Tina Goosen & 18 Others* as follows:

"It is clear that the threshold for granting leave to appeal against a judgment of a High Court has been raised in the new Act. The former test whether leave to appeal should be granted was a reasonable prospect that another court might come to a different conclusion, see Van Heerden v Cornwright & Others 1985 (2) SA 342 (T) at 343H. the use of the word "would" in the new statute indicates a measure of certainty that another court will differ from the court whose judgment is sought to be appealed against."

[5] I had dealt in depth with the issues raised in the application for leave to appeal in my judgement. After listening to submissions by both counsel for the applicants and counsel for the respondent and after reading the application for leave to appeal, I am of the view that there are no prospects of success.

[6] In the premises, the following order is granted:

The application for leave to appeal is dismissed with costs.


[REDACTED]
MOKOSE J
Judge of the High Court of
South Africa Gauteng
Division, PRETORIA

For the Applicants: Adv DJ Groenewald
On instructions of: Serfontein Viljoen & Swart

¹ *The Mont Chevaux Trust (IT2012/28) v Tina Goosen & 18 Others* 2014 JDR 2325 at para [6]

For the Respondent: Adv AM Heystek SC

On instructions of: Tuckers Inc

Date of judgment: 17 November 2025