



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 53829/21

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

DATE: 20 January 2026

SIGNATURE OF JUDGE: [REDACTED]

In the matter between:

SIPHO MILA PITYANA

APPLICANT

and

**PRUDENTIAL AUTHORITY
ABSA GROUP LIMITED**

**FIRST RESPONDENT
SECOND RESPONDENT**

ABSA BANK LIMITED

THIRD RESPONDENT

ORDER

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1. The Applicant is granted leave to appeal to the Supreme Court of Appeal.
 2. The costs for leave to appeal shall be costs in the appeal.
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JUDGMENT

FLATELA J

Introduction

[1] This is an application for leave to appeal brought by the Prudential Authority against the whole of the judgment and order I handed down on 13 June 2025.

[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 Act 10 of 2013 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 also reviewed the submissions made by counsel for the Applicant seeking leave to appeal, and by counsel opposing such leave on behalf of the First respondent.

[4] I am persuaded that the appeal has a reasonable prospect of success; another court would come to a different conclusion. Therefore, leave to appeal is granted in terms of section 17(1)(a)(i) and (ii) of the Superior Courts Act 10 of 2013

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

1. The Applicant is granted leave to appeal to the Supreme Court of Appeal.
2. The costs for leave to appeal shall be costs in the appeal.



FLATÉLA LULEKA
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

This Judgment was handed down electronically by circulation to the parties' and or parties' representatives by email and by being uploaded to CaseLines. The date and time for the handed down is deemed to be 10h00 on 20 January 2026.

APPEARANCES:

Counsel for the 1st Applicant: NH Maenetje SC

S Mahlangu

Instructed by: Werkmans Attorneys

Counsel for the 1st Respondent: A Franklin SC

N Stein

Instructed by: Haffajee Roskam Savage Attorneys

For the 2nd and 3rd Respondents: CDA Loxton SC

Milovanovic-Bitter

Instructed by Webber Wenzel Attorneys:

Date of the Hearing: 08 December 2025

Date of the Judgement: 19 January 2026