

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

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

Date: **05 February 2026** Signature: _____

CASE NO: 05024/2020

In the matter between:

FRIDA TLADI (NEE SEOME)

1st APPLICANT

EPHRAIM SEOME

2nd APPLICANT

**MARTHA JOHANNA KEDISALETSI MOFUBE
(NEE SEOME)**

3rd APPLICANT

OFNIEL PETER MODISE

4th APPLICANT

And

CITY JOHANNESBURG METROPOLITAN MUNICIPALITY

1st RESPONDENT

EXECUTORS (RAMOERANE ABIZETTE SEOMA)

2nd RESPONDENT

MAAJE CHRISTINA SEOMA

3rd RESPONDENT

THE DIRECTOR GENERAL FOR HUMAN
SETTLEMENT(PRETORIA)

4th RESPONDENT

THE MEC FOR HUMAN SETTLEMENT
(GAUTENG PROVINCE)

5th RESPONDENT

THE REGISTRAR OF DEEDS (JOHANNESBURG)

6th RESPONDENT

THE MASTER OF THE SOUTH GAUTENG HIGH COURT

7th RESPONDENT

Coram: Dlamini J

Heard: January 2026

Delivered: 05 February 2026 – This judgment was handed down electronically by circulation to the parties' representatives *via* email, by being uploaded to *CaseLines*, and by release to SAFLII. The date and time for the hand-down is deemed to be 10:30 on 05 February 2026

JUDGMENT

DLAMINI J

Introduction

1. This is an application for leave to appeal the order and judgment that I handed down on 5 July 2023, dismissing the applicant's claim.
2. In September 2023, the applicants filed a notice of motion for condonation of the applicant's late filing of the application for leave to appeal.
3. Under the Uniform Rules, the appeal should have been filed within 15 court days of the judgment's issuance.

4. In the application for condonation of the late filing of the leave to appeal application, the applicant proffers several reasons for the delay.
5. Having considered the applicant's grounds for condonation, I find that, in the interest of justice, condonation is hereby granted.
6. I now turn to the main grounds for the applicants' leave to appeal. The applicants have filed substantial grounds for leave to appeal. These grounds, the trial record, and the pleadings must be considered incorporated herein.
7. The test for leave to appeal is now well established. The question is whether the applicant has satisfied the requirements for leave to appeal as outlined in Section 17(1) of the Superior Court. Section 17 stipulates that leave to appeal may be granted only where the judge or judges concerned are of the view that the appeal would have a reasonable prospect of success.
8. I have dealt extensively with all the applicants' grounds of appeal in my judgment, and the same need not be repeated herein.
9. Having carefully considered the factual background of this matter, the applicant's grounds for leave to appeal, and the provisions of Section 17 of the Act, I am not persuaded that there are any reasons or exceptional circumstances that warrant granting leave to appeal, which would have a reasonable prospect of success. There are no compelling reasons why the appeal should be heard.
10. The courts of appeal have repeatedly cautioned against granting leave to appeal when the prospects of success are nonexistent. In this regard, this assists in preventing unnecessary congestion of the appellate court rolls.

Costs

11. The trite principle of our law is that costs follow the event and are awarded to the successful party. There is no reason why this court should depart from this principle.

12. I make the following order

ORDER

1. The applicant's application for leave to appeal is dismissed with costs.

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a checkmark-like flourish.

DLAMINI J

Judge of the High Court

Gauteng Division, Johannesburg

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Respondents

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