



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

|                                                      |
|------------------------------------------------------|
| (1) REPORTABLE: <del>YES</del> / NO                  |
| (2) OF INTEREST TO OTHER JUDGES: <del>YES</del> / NO |
| (3) REVISED                                          |
| DATE : 2 MARCH 2026                                  |
| SIGNATURE                                            |

CASE NO: 004005/2026

HEARD ON: 25 FEBRUARY 2026  
REASONS FOR JUDGMENT: 2 MARCH 2026

In the application of:

RENEE MARITZ

APPLICANT

AND

RESPONDENT

HEIBERG ESTATES

IN RE:

APPLICANT

HEIBERG ESTATES

AND

FIRST RESPONDENT

RENEE MARITZ

SECOND RESPONDENT

CORNELIUS JOHANNES MARTIZ

JUDGMENT

Strijdom J

1. In this matter the applicant seeks leave to appeal to the Full Court of this division against the whole of my judgment and order dated 20 January 2026 and 17 February 2026 in which this Court granted the urgent application of the respondent with costs.
2. The application for leave to appeal is opposed by the respondent.
3. The grounds of appeal are set out in the application for leave to appeal I do not intend to repeat same.
4. Section 17(1)(a) of the Superior Courts' Act 10 of 2013 provides that leave to appeal may only be granted where the judge or judges concerned are of the opinion that the appeal would have a reasonable prospect of success; or if there is some compelling reason why the appeal should be heard including conflicting judgments on the matter under consideration.
5. Each application for leave to appeal must be decided on its own facts.
3. It is now trite that an appellant faces a higher and stringent threshold in terms of the Act. 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.
7. In respect of the grounds of appeal raised by the applicant my judgment deals with the facts and the law as presented by the parties and how the Court arrived at each conclusion on the contentions raised by the parties.

8. When the facts and the law were examined, there is in my view no sound and rational basis for the conclusion that the appeal would have a reasonable prospect of success.

9. I am also of the view that there are no compelling reasons why the appeal should be heard.

10. In the result, the application for leave to appeal is dismissed with costs which costs are to be taxed with scale B.

  
Strijdom JJ

Judge of the Hight Court, South Africa

Gauteng Division, Pretoria

Appearances:

|                     |                         |
|---------------------|-------------------------|
| For the applicant:  | Mr P Rapea (Attorney)   |
| For the respondent: | Adv. MM Boonzaaier      |
| Instructed by:      | Naude & Naude Attorneys |