

REPUBLIC OF SOUTH AFRICA



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

Case Number: 32482/2020

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: NO
4 March 2026	
DATE	SIGNATURE

In the matter between:

ABEGAIL NTOMBIKHONA BOIKHUTSO

Applicant

and

PGC GROUP (PTY) LTD

First Respondent

WORKERS LIFE MANAGEMENT SERVICES (PTY) LTD

Second Respondent

PGC INVESTMENT HOLDINGS (PTY) LTD

Third Respondent

WORKERS LIFE DIRECT (PTY) LTD

Fourth Respondent

In re:

PGC GOUP (PTY) LTD

First Plaintiff

WORKERS LIFE MANAGEMENT SERVICES (PTY) LTD

Second Plaintiff

PGC INVESTMENT HOLDINGS (PTY) LTD

Third Plaintiff

WORKERS LIFE DIRECT (PTY) LTD

Fourth Plaintiff

and

ZWILENKOSI REUBEN MEDLETSHE

First Defendant

ABEGAIL NTOMBIKHONA BOIKHUTSO

Second Defendant

JUDGMENT: LEAVE TO APPEAL

DOMINGO, AJ

- [1] This is an application for leave to appeal brought by the applicant against the judgment and order delivered by me on 31 October 2025.
- [2] The respondents opposed the application for leave to appeal.
- [3] 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 leave 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.”
- [4] Thus, in considering a leave to appeal it may only be given where the judge is of the opinion that there are reasonable prospects that another court may come to a different conclusion.
- [5] The respondents opposed the application on the basis that I had not erred in the findings and that there are no prospects that another court may come to a different conclusion.
- [6] Having read the papers and having heard both counsels, I had considered the issues raised by the applicant in this leave to appeal in my coming to a decision

on the urgent application matter. I have dealt with many of the issues raised in the application in my judgment.

- [7] I am of the view that there are reasonable prospects that another court may come to a different conclusion in regard to the interpretation of s18(2) of the Superior Courts Act, therefore I grant the leave to appeal.
- [8] In regard to the appeal against the cost order, I admit I had erred in not providing reasons for the cost order granted and it was indeed a material oversight on my part. The respondents through email correspondence had offered to the applicant, that they were prepared to seek an alternative cost order as follows: *“The applicant is ordered to pay the costs of this application including the costs of council on scale C.”* This cost order offer was submitted by the respondents on the day of the hearing of the leave to appeal. It was vehemently rejected and opposed by the applicant, who averred that I could not change my cost order at this stage. Having heard both counsels, I am of the view that this matter should fall to be decided by the appeal court.
- [9] In regard to the costs of this application, the respondents have submitted that they not only seek that the applicant’s leave to appeal be dismissed, with costs, but also that the applicant pay the respondents costs of the *“notice of appeal”* and *“affidavit in terms of section 18(4) of the Superior Courts Act”* which the respondents averred that the applicant has not formally withdrawn, has effectively abandoned and it is also submitted by the respondents that there is no reason why the applicant should not be ordered to pay the costs thereof. The matter of costs I will leave to be decided by the appeal court.
- [10] Accordingly, I make the following order:

10.1 Leave to appeal to the Full Court of the Gauteng Division is hereby granted.

10.2 Costs are to be the costs in the appeal.


W DOMINGO
ACTING JUDGE OF THE HIGH COURT
PRETORIA

Date of Hearing: 26 February 2026

Date of Judgment: 4 March 2026

APPEARANCES:

For the Applicant: ADV P MBANA instructed by FENYANE & ASSOCIATES
INC C/O TIDK ATTORNEYS INC

For the Respondent: ADV L HOLLANDER instructed by LDA INCORPORATED
ATTORNEYS C/O HILLS INCORPORATED

