

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 2024 - 050337

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

DATE: 11/3/2026

SIGNATURE OF JUDGES:



In the matter between:

WO GRAHAM N.O.

First Applicant

A GRAHAM N.O.

Second Applicant

HA DU TOIT N.O.

Third Applicant

[in their capacities as the trustees for the time
being of the Rodzina Carbonile Trust]

and

JC REYNEKE

First Respondent

GAMAN 50 (PTY) LTD

Second Respondent

ELEGANT ELM TRADING (PTY) LTD

Third Respondent

RW WINCKLER

Fourth Respondent

L CRONJE

Fifth Respondent

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 hand down is deemed to be on this 28 day of November 2025

JUDGMENT

STRYDOM AJ:

- [1] There are two applications for leave to appeal, one on behalf of the First and Third Respondents, (the "Reyneke Respondents") and one on behalf of the Second, Fourth and Fifth Respondents (the "Gaman Respondents").
- [2] I refer to the parties as I did in the judgement that was delivered on 28 November 2025 ("the judgement"), which judgement I revised and edited on 6 March 2026.
- [3] The applications for leave to appeal are based on section 17(1)(a)(i) and (ii), of the Superior Courts Act, 10 of 2013, being on the basis that the appeal

would have a reasonable prospects of success, or that there are some compelling reasons why the appeal should be heard.

[4] I have considered the respective applications for leave to appeal, together with heads of argument which were filed by the respective parties and the oral arguments that were addressed to me during the application for leave to appeal on 26 February 2026.

[5] I also considered the judgement delivered, and I am of the view and I am satisfied that the judgement properly dealt with all the issues in the matter, and considering the grounds of appeal presented that the appeals will have no reasonable prospect of success or that there are no compelling reasons why the to appeal should be heard.

Order:

Accordingly, I make the following order:

- [1] The applications for leave to appeal by the Respondents are dismissed.
- [2] The First Respondent and Second Respondents, jointly and severally, the one paying the others to be absolved, are ordered to pay the costs of the applications for leave to appeal, on a party and party scale, the appropriate scale being Scale C.



STRYDOM AJ
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Appearances

For the Applicants:

N. Konstandinides SC

Instructed by:

Van Hulsteyns Attorneys

For the First and Third Respondents:

APJ Els SC and J Myburgh

Instructed by:

Taljaard De Oliveira Attorneys

For the Second, Third and Fourth Respondents:

B Swart SC

Instructed by:

DLBM Attorneys

Date of Hearing: 26 February 2026

Date of Judgment: 11 March 2026