



**IN THE HIGH COURT OF SOUTH AFRICA  
(EASTERN CAPE DIVISION, MTHATHA)**

Case no: 398/2025

In the matter between:

**NTOMBESIZWE GELEDWANA**

Applicant

and

**MINISTER OF SOCIAL DEVELOPMENT**

First Respondent

**THE CHAIRPERSON OF THE INDEPENDENT  
TRIBUNAL FOR SOCIAL ASSISTANCE APPEALS**

Second Respondent

In re:

**THE MINISTER OF SOCIAL DEVELOPMENT**

First Appellant

**THE CHAIRPERSON OF THE INDEPENDENT  
TRIBUNAL FOR SOCIAL ASSISTANCE APPEALS**

Second Appellant

and

**NTOMBESIZWE GELEDWANA**

Respondent

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## JUDGMENT

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### Appels AJ

#### Introduction

[1] This is an action for leave to appeal against a judgment handed down on 13 November 2025<sup>1</sup> in which I dismissed an application by the applicant in which she sought an order (inter alia) declaring that an appeal lodged by the respondents on 21 August 2015 had lapsed.

[2] Section 17(1)(a) of the Superior Courts Act 10 of 2013 (“the Act”) provides as follows:

‘Leave to appeal may only be given where the judge or judges concerned are of the opinion that –

- (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 am of the view that the applicant would have reasonable prospects of success on appeal. The applicant has therefore met the requirements to be granted leave to appeal in accordance with section 17(1)(a)(i) of the Act.

#### Order

[4] In the circumstances, the following order shall issue:

1. The applicant is granted leave to appeal to the Full Court of the Eastern Cape Division of the High Court.

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<sup>1</sup> The order was granted on 30 November 2025 and written reasons for the judgment were given on 13 November 2025.

2. The costs of the application for leave to appeal are to be costs in the appeal.

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**G APPELS**  
**ACTING JUDGE OF THE HIGH**  
**COURT**

**APPEARANCES:**

|                    |                           |
|--------------------|---------------------------|
| For the Applicant: | Mr Mhlawuli               |
| Instructed by:     | S R MHLAWULI & ASSOCIATES |
|                    | 58 Wesley Street          |
|                    | MTHATHA                   |

**Heard:** 23 February 2026

**Delivered:** 10 March 2026