

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 2021-64337

(1)	REPORTABLE:
(2)	OF INTEREST TO OTHER JUDGES:
(3)	REVISED:
DATE	SIGNATURE

[Handwritten signature] 13/03/2026

In the matter between:

DR. MOTHOBİ GODFREY KEELE

Applicant

and

MAGISTRATE MRS. JANINE JANSEN VAN RENSBURG

First Respondent

DR. MBALI ZAMATHIYANE KEELE

Second Respondent

TAXING MASTER, HIGH COURT

(Gauteng Division, Pretoria)

Third Respondent

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

**THIS JUDGMENT IS HANDED DOWN REMOTELY AND WILL BE
CIRCULATED TO THE PARTIES ELECTRONICALLY.**

WELGEMOED, AJ

Introduction and background

- [1] This is an application for leave to appeal to the Full Bench of the Gauteng Division of the High Court Pretoria, against the whole of the judgment and order, including the costs order, granted against the applicant by this Court on 17 December 2025.
- [2] The applicant contends that there are reasonable prospects that another court would come to a different conclusion and that there are other compelling reasons why an appeal should be heard, as contemplated in section 17(1)(a) of the Superior Courts Act 10 of 2013.
- [3] The facts of the matter are not contentious and dealt with in the judgment handed down on 17 December 2025.

The grounds of appeal

- [4] The grounds of appeal are set out in the applicant's application for leave to appeal. This Court must first note that the application itself is lengthy and not to the point. The application lacks precision, coherence and fails to clearly specify and outline the grounds of appeal.

[5] At the hearing of the application I enquired from the applicant, who appeared in person, what precisely the grounds of appeal were;

[6] The following ground(s) were submitted:

6.1 The main issue in this application, is whether the late filing of the answering affidavit was to be allowed;

[7] First, the Court allowed the late filing of the answering affidavit, the late filing of the replying affidavit and the late filing of the applicant's heads of argument in the interest of justice, in order to bring finality to the application. These preliminary issues were dealt with when the matter was called on 24 November 2025 and stood down to be heard on 27 November 2025.

[8] There was accordingly no prejudice to any party in advancing their case when the matter was argued. I am also not aware of any cases where leave to appeal was granted after a court *a quo* allowed the late filing of affidavits where no prejudice was to be suffered by any party.

[9] Accordingly the argument raised about condonation being granted has no merit.

[10] Further, the applicant failed to show that the court committed any factual or legal errors in its judgment.

Conclusion

[11] In conclusion, I am not persuaded that the applicant has shown that there are reasonable prospects of success on appeal and that another court would come to a different conclusion. Secondly, the applicant has failed to satisfy the court that there are reasonable prospects of success in the appeal as required by section 17(1)(a)(i) and/or (ii) of the Act. The application for leave to appeal thus ought to be dismissed with costs.

[12] Concerning the costs, the rule that costs follow the result must clearly apply.

[13] In the result, I make the following order:

1. The application for leave to appeal is dismissed with costs on Scale B;



WELGEMOED CJ

**ACTING JUDGE OF THE HIGH COURT
OF SOUTH AFRICA GAUTENG
DIVISION, PRETORIA**

Date of Hearing: 11.03.2026

Date of Judgment: 13.03.2026

Counsel for Applicant: In person

Counsel for Respondent: KKM Mafungo