

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case Number: **143809/24**

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES
5 May 2026	
DATE	SIGNATURE

In the matter between:

LENAH MOTLAHABO LEBELO

Applicant

and

FIRST NATIONAL BANK

Respondent

JUDGMENT

JANSE VAN NIEUWENHUIZEN J

Introduction

- [1] On 9 January 2026, this court struck the urgent application brought by the applicant from the urgent roll due to a lack of urgency with costs.
- [2] The applicant applies for leave to appeal the costs order.

Grounds of leave to appeal

- [3] The applicant's application is premised on the following grounds:
- 3.1 the application has been urgent for a long time;
 - 3.2 the applicant is in dire need of funds; and
 - 3.3 the applicant is not in a financial position to pay the costs.

Legal framework

- [4] Section 17 of the Superior Courts Act, 10 of 2013, regulates applications for leave to appeal, and the relevant portion reads as follows:

“17. (1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that—

(a) (i) the appeal would have a reasonable prospect of success; or..”

- [5] The circumstances under which a court of appeal will interfere with the cost order of a lower court are very limited and were summarised in *Jacob G Zuma v The Office of the Public Prosecutor and Others* (1447/2018) [2020] ZASCA 138 (30 October 2020) at para [20] as follows:

“[20].....Interference is warranted only where the discretion was not exercised judicially; the decision was influenced by wrong principles; the decision was affected by a misdirection on the facts; or the decision could not reasonably have been reached by a court properly directing itself to the relevant facts and

principles. It is not sufficient on appeal against a costs order simply to show that the lower court's order was wrong."

Discussion

- [6] Bearing the aforesaid test in mind and having had regard to the grounds of appeal relied upon by the applicant, I am of the view that the appeal against the cost order does not have a reasonable prospect of success.

ORDER

The application for leave to appeal is dismissed with costs. Counsel's fees on scale B.



JANSE VAN NIEUWENHUIZEN J
JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION

DATE OF HEARING : 23 April 2026

DATE OF JUDGMENT : 5 May 2026

APPEARANCES

Applicant: In person

Counsel for the respondent: SG Webster

Instructed by : Kim Calvert Inc

