


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	NOT REVISED.
	
.....	23/06/2026
SIGNATURE	DATE

CASE NUMBER: 2024-104499

In the matter between:

CASPER JAN HENDRIK ERASMUS

First Applicant

CASPER JAN HENDRIK ERASMUS N.O.

Second Applicant

HENRIËTTE JACOMINA ERASMUS N.O.

Third Applicant

and

UNIGRO FINANCIAL SERVICES (PTY) LTD

First Respondent

THE LAND AND AGRICULTURAL DEVELOPMENT

Second Respondent

BANK OF SOUTH AFRICA

Heard: 23 June 2026

Delivered: 23 June 2026

JUDGMENT ON LEAVE TO APPEAL

YACOOB, J:

- [1] The applicants seek leave to appeal to the Full Court of this Division the judgment and order in which I upheld the exception raised by the first respondent to the applicants' particulars of claim.
- [2] The grounds on which the applicants seek leave are, firstly, that another court may come to a different conclusion regarding whether the particulars disclose any cause of action, and, secondly, that the court had no basis to make a punitive costs order.
- [3] To deal with the second ground first, no punitive costs order was made. An order was made granting costs on scale C including two counsel, one of whom is senior counsel. That is a scale that takes into account the complexity of the matter and has nothing to do with punishment.
- [4] As far as the first ground is concerned, the applicants point out that, since particulars of claim have to be read as a whole and the question whether the particulars disclose a cause of action must be determined on any reasonable interpretation of the particulars, there is a likelihood that another court would find that, indeed, there is an interpretation that discloses a cause of action. In particular, the applicants point out that para 32 of the particulars on its own discloses a cause of action, as it alleges that no cession took place.
- [5] The first respondent submitted that if that is the case, all that has to be done is amend the particulars to delete para 33, which was dealt with in detail in my original judgment. However, this is a concession that para 32 does disclose a cause of action (provided that facts are proved).
- [6] That paras 32 and 33 do not particularly make sense when read together is not relevant for the consideration whether another court may come to a different conclusion, since the exception is not that the pleadings are vague and embarrassing, but that no cause of action is disclosed.
- [7] In those circumstances, I must grant leave to appeal.
- [8] I make the following order:
 - (a) Leave to appeal to the Full Court is granted.

(b) Costs of the application for leave are costs in the appeal.



S. YACOOB

JUDGE OF THE HIGH COURT

GAUTENG DIVISION, JOHANNESBURG

This judgment was handed down electronically by circulation to the parties' representatives by email, and by uploading on the relevant electronic platform. The date of this judgment is 23 June 2026.

APPEARANCES

For the applicants:	F G Janse van Rensburg
Instructed by:	Eugene Geysers Attorneys, Viljoenskroon
For the respondents:	J G Cilliers SC and H R Fourie SC
Instructed by:	Strydom & Bredenkamp Attorneys