


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case Number: 145679/2024

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

In the matter between:

ANETTE PARANE MONAMA

Applicant

and

FIRSTRAND BANK LIMITED T/A WESBANK

Respondent

JUDGMENT

ON APPLICATION FOR LEAVE TO APPEAL

Mahosi, J

[1] The applicant seeks leave to appeal against the whole of this Court's judgment and order handed down on 9 February 2026 to the Full Court. The respondent opposes the application.

[2] The application is premised on the basis that this Court erred in failing to consider that the respondent filed an application for default judgment before the 20 days to respond had expired; the applicant wanted to pay, but was turned away and told it was not possible; the delay for the filing of the notice of intention to defend and plea was not wilful; the applicant was relying on Debtbuster to pay back the respondent before she understood how it worked, and the respondent did not send any notification to the applicant before serving her with the summons.

[3] The test for leave to appeal is regulated by section 17(1) of the Superior Courts Act, which reads:

- "(a) (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;
- (b) the decision sought on appeal does not fall within the ambit of section 16(2)(a); and
- (c) where the decision sought to be appealed does not dispose of all the issues in the case, the appeal would lead to a just and prompt resolution of the real issues between the parties."

[4] Having had regard to both parties' submissions and arguments, this Court is not satisfied that the applicant has demonstrated that there is misdirection of fact or law in its judgment and that there is a reasonable prospect that another Court would come to a different conclusion. The grounds raised are essentially a repetition of the arguments already considered and rejected in the rescission application. As a result, the application for leave to appeal falls to be dismissed.

[5] The respondent sought a punitive costs order on the scale between the attorney and the client. While the applicant's conduct in delaying proceedings and raising unsubstantiated defences is dilatory, I do not consider it so egregious as to warrant a punitive order.

Order

[6] Accordingly, the following order is made:

1. The application for leave to appeal is dismissed.
2. The applicant is to pay the respondent's costs of this application on the party-and-party scale A.


D. Mahosi

Judge of the High Court of South Africa
Gauteng Division, Johannesburg

Heard: 10 June 2026

Delivered: This judgment was handed down electronically by circulation to the parties' representatives through email. The date for hand-down is deemed to be 10 June 2026

Appearances

For the applicant: Self

For the respondent: Advocate M. Arroyo

Instructed by: Strauss Daly Attorneys
c/o Trevor Swartz Attorneys