



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

- (1) REPORTABLE: ~~YES~~ / NO
(2) OF INTEREST TO OTHER JUDGES: ~~YES~~ / NO
(3) REVISED: NO

17 June 2026

DATE

SIGNATURE

Case number: 064227/2024

In the matter between:

KAMOHELO MOKOTJO

Applicant

and

FNB MORTGAGE LOANS (RF) LIMITED

Respondent

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

GREYLING AJ.

Intoduction:

- [1] On 4 May 2026 this court granted summary judgment against the Applicant, declared his immovable property executable in terms of Rule 46A and fixed a reserve price of R3 300 000.00. The order included costs against the Applicant. The Applicant now seeks leave to appeal against the whole of my judgement and order handed down.
- [3] Although the Notice for leave to appeal raises broad grounds counsel for Applicant, at the hearing, confined his application to the issue of locus standi and abandoned the remaining. This concession was well made.
- [4] The application is brought under section 17(1)(a) of the Superior Courts Act 10 of 2013 and the Applicant must show either that the appeal would have reasonable prospects of success, or that some other compelling reason exists why the appeal should be heard.[1] It is well established that an appeal lies against the order granted and not the reasons and the Applicant must therefore show a sound and rational basis for the conclusion that there are reasonable prospects of success. A mere possibility of success, or an arguable case, is insufficient. It is now trite that the use of the word “would” in section 17(1)(a)(i) imposes a more stringent threshold.²
- [5] The Applicant’s locus standi ground is advanced in this application on the same facts and submissions as those raised at the hearing and contains nothing new. They were properly considered and dealt with in the reasons provided.
- [6] As a result, it is unnecessary to deal with the same submissions again. The court considered its judgment and counsel’s submissions, but the court is satisfied that the provisions of Section 17(1)(a) are clearly not satisfied.
- [7] It follows that the application for leave to appeal should be dismissed.

ORDER:

- [1] **The application for leave to appeal is dismissed.**
- [2] **The Applicant is ordered to pay the costs of the application for leave to appeal on an attorney and client scale.**



PJ GREYLING
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

This judgment was handed down electronically by circulation to the parties and/or their legal representatives by email and by uploading to CaseLines. The date and time for hand-down is deemed to be

APPEARANCES

For the Applicant / Defendant:

Instructed by:

Elliott Attorneys Inc

For the Respondent / Plaintiff:

Instructed by:

Hammond Pole Majola Inc. c/o NVG Attorneys

Date of hearing:

Date of judgment:

17 May 2026

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1. Superior Courts Act 10 of 2013, s 17(1)(a); Ramakatsa and Others v African National Congress and Another [2021] ZASCA 31 (31 March 2021).
 2. MEC for Health, Eastern Cape v Mkhitha [2016] ZASCA 176 paras 16-17.