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

Case No: 054133/2024

(1) REPORTABLE: YES/**NO**

(2) OF INTEREST TO THE JUDGES: YES/**NO**

(3) REVISED: YES/**NO**

DATE: 27 August 2026

SIGNATURE:

In the matter between:

DANIEL TERBLANCHE N.O.

FIRST APPLICANT

HILMI DANIELS N.O.

SECOND APPLICANT

and

S NGOMANE INCORPORATED

RESPONDENT

Coram: Groenewald, RJ (AJ) Set down to be heard on: 27 August 2026

Delivered: 27 August 2026 - This judgment was handed down electronically by uploading to Caselines.

JUDGMENT - APPLICATION FOR LEAVE TO APPEAL

GROENEWALD AJ

[1.] The parties are referred to herein as in the main proceedings. The respondent, S Ngomane Incorporated, uploaded an application for leave to appeal against the judgment and order granted by this court on 31 July 2025 to Caselines.

[2.] According to the Caselines audit record, the application for leave to appeal was uploaded to Caselines on 21 August 2025. There is no proof in the Caselines folder that the application for leave to appeal was delivered to the Applicant.

[3.] The application only came to my attention recently whereafter immediate steps were taken to arrange for the matter to be enrolled. This appears to be due to the Respondent's failure to comply with this Court's practice directives in respect of applications for leave to appeal.

[4.] In terms of this Court's practice directives, relating to applications for leave to appeal, there are specific steps which a party must take when applying for leave to appeal. These steps include *"the delivery of leave to appeal and appeal compliance statements, and specifically that all applications for leave to appeal of matters heard in the Gauteng Division of the High Court, Pretoria and Johannesburg, in which Acting Judges presided, should additionally be communicated per e-mail to the office of the Judge President: J[...]. The subject of the email should read: "ACTING JUDGE LEAVE TO APPEAL" and that "an application for leave to appeal must be filed with the registrar in charge of civil appeals by uploading it to the electronic court file. A copy of the application must also be filed with the Judge's Secretary by email"*.

[5.] If an applicant does not, within three days of the service of the application for leave to appeal, take the necessary steps to cause the judgment to be transcribed, the respondent's legal representatives may take the necessary steps to ensure that the judgment is transcribed. All the other parties to the application for leave to appeal shall forthwith, in writing, be informed of the steps taken by the respondent in this regard.

[6.] It does not appear that the parties took the steps required by the Practice Directives to ensure that the application for leave to appeal is expeditiously enrolled. It is also unclear why the Respondent failed to take steps to follow up in respect of the ostensible delay in having the application for leave to appeal heard. The Respondent should have taken the lead in the application for leave to appeal and should have ensured that all steps necessary were taken to ensure the hearing of the matter. It is not in the interest of justice or in the interests of the parties for an application for leave to appeal to be delayed.

[7.] The Respondent cannot complain about a delay in the hearing of the application for leave to appeal where it caused or contributed to the delay.

[8.] Once I became aware of the application for leave to appeal, immediate steps were taken to have the application set down for hearing, whilst at the same time affording the parties reasonable time to prepare for the hearing of the matter.

[9.] On 17 August 2026, the office of the registrar circulated an email confirming the set-down of the application for leave to appeal to be heard on 27 August 2026. A directive in respect of the set-down of the application was also uploaded to Caselines on 18 August 2026.

[10.] On 25 August 2026, the Respondent uploaded a notice withdrawing the application for leave to appeal. The withdrawal puts an end to the application for leave to appeal, and it is therefore not necessary to deal with the merits of the application for leave to appeal.

The order:

[11.] The following order is made:

1. It is noted that the application for leave to appeal has been withdrawn.

RJ GROENEWALD (AJ)
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Delivered: This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the parties/their legal representatives by email and by uploading it to the electronic file of this matter on Caselines. The date for the hand-down is deemed to be 27 August 2026.