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**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: **2025-032965**

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

In the matter between:

M[...] F[...]

(Identity Number: 9[...])

Applicant

***In re* the minor child G[...] J[...] S[...]**

and

A[...] W[...] S[...]

(Passport number: 40578046)

Respondent

JUDGMENT (LEAVE TO APPEAL)

WANLESS J

Introduction

- [1] In this application, M[...] F[...] (*“the Applicant”*) seeks leave to appeal, either to the Full Court of this Division, *alternatively*, the Supreme Court of Appeal (*“the SCA”*), against the judgment and order (*paragraphs 2, 3, 4, 8 and 9 thereof*) of this Court granted on the 8th of June 2026. The application is opposed by A[...] W[...] S[...] (*“the Respondent”*).
- [2] The principles of law to be applied in such an application, in terms of sections 17(1)(a)(i) and (ii) of the *Superior Courts Act 10 of 2013* (*“the Act”*), are trite. This brief judgment (*as necessitated by the very nature of the application itself*) will not be burdened unnecessarily by setting out same and referring to the authorities dealing therewith.
- [3] The Applicant relies upon both of the aforesaid subsections of the Act. In terms of section 17(1)(a)(i) of the Act, leave to appeal should *only* be granted if this Court is satisfied that an appeal court would (*not could*) come to a different finding than it did and would grant a different order. In terms of section 17(1)(a)(ii) of the Act, leave to appeal should *only* be granted if this Court is satisfied that there is some compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.
- [4] During the course of argument before this Court on the 20th of August 2026, this Court was advised by Counsel for the Applicant that, in the event of this Court granting the Applicant leave to appeal, it would not be necessary to burden the SCA therewith and the matter could be dealt with by the Full Court of this Division.

Grounds of Appeal

- [5] These grounds are set out in the Applicant’s *“Application for Leave to Appeal”*. In order not to burden this judgment unnecessarily, those grounds will not be set out *verbatim* herein. To do so would serve little or no purpose.

Discussion

- [6] Having carefully considered the submissions made by both the Applicant and the Respondent in this application for leave to appeal, it is the finding of this Court that the Applicant has clearly failed to show that another court would come to a different decision and that the Applicant should be granted leave to appeal. Further, there are no compelling reasons why the appeal should be heard. It was not submitted that there are any conflicting judgments on the matter under consideration. In the premises, the Applicant's application for leave to appeal should be dismissed.
- [7] This Court should also add that, in making such an order, it further bears in mind the oft-repeated narrative of the courts of appeal that the court *a quo* should be slow to grant applications for leave to appeal in matters where the prospects of success are not good. This avoids unnecessarily burdening the appeal courts' rolls.

Costs

- [8] As to the issue of costs, there are no unusual circumstances pertaining to this matter that would cause this Court, in the exercise of its general discretion pertaining to the issue of costs, to deviate from the trite principle that costs should normally follow the result. In the premises, the Applicant should be ordered to pay the costs of the application for leave to appeal.

Order

- [9] This Court makes the following order:
1. The application for leave to appeal against the judgment and orders of this Court under case number 2025-032965, granted on 8 June 2026, is dismissed.
 2. The Applicant is to pay the Respondent's costs of this application, on the party and party scale (Scale B).

**BC WANLESS
JUDGE OF THE HIGH COURT
JOHANNESBURG**

Date of Hearing: 20 August 2026

Date of Judgment: 4 September 2026

Appearances

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