

**IN THE SOUTH GAUTENG HIGH COURT  
(JOHANNESBURG)**

**CASE NO 03/21585**

**INVICTUS HOLDINGS (PTY) LTD (formerly  
MERIDIAN INVESTMENT HOLDINGS (PTY)  
LTD)**

**FIRST APPLICANT**

**MARINA WELIHOCKYJ**

**SECOND APPLICANT**

**ANDRY WELIHOCKYJ**

**THIRD APPLICANT**

and

**ADvTECH LIMITED**

**FIRST RESPONDENT**

**ADvTECH RESOURCE HOLDINGS (PTY)  
LTD**

**SECOND RESPONDENT**

**ADvTECH RESOURCING**

**THIRD RESPONDENT**

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**SUMMARY**

*Leave to Appeal – against costs order in respect of Rule 35(7) application and dismissal with costs of application to compel further and better discovery in terms of Rule 35(7) – appealability of orders - section 20 Supreme Court Act – ‘judgment or order’ as opposed to ‘rulings’ – former only appealable – In casu interlocutory application in preparation of trial – Order not having effect of anticipating or precluding or prejudicing in whole or in part the relief claimed in pending action – neither definitive of the rights of the parties – therefore not a ‘judgment or order’ as contemplated in s 20 of Supreme Court Act.*

*Leave to appeal against only a costs order - general reluctance by Court to grant leave to appeal in respect of costs only – unless matter of principle involved and amount of costs not insubstantial – Section 20A Supreme Court Act – in casu any order on appeal would not have any practical effect on either the parties or others – no special circumstances or valid ground for interference by another Court shown – Application for leave to appeal refused with costs.*

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