

SOUTH GAUTENG HIGH COURT, JOHANNESBURG

Case No. 2010/1189

In the matter between:

MINISTER OF HOME AFFAIRS

First Applicant

DIRECTOR-GENERAL, DEPARTMENT OF  
HOME AFFAIRS

Second Applicant

and

KANYO ARUFORSE

Respondent

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JUDGMENT

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MEYER, J

[1] This is an application for leave to appeal against the whole of the judgment and order which I have handed down and made in this matter on 25 January 2010.

[2] I have considered the various grounds raised by the applicants in support of their application for leave to appeal and the submissions of counsel. I need not deal with all the grounds and submissions herein other than to mention that this matter *inter alia* raises the interpretation of s 34(1) of the Immigration Act 13

of 2002 on which there are conflicting unreported decisions. Another court may reasonably differ with the construction which I have placed on the section.

[3] I am accordingly of the view that there is a reasonable prospect of the appeal succeeding and the case is undoubtedly of substantial importance to the litigants. The appeal, in my view, requires the attention of the Supreme Court of Appeal.

[4] In the result the following order is made:

1. The first and second applicants herein are granted leave to appeal against the whole of my judgment and order which was handed down and made in this matter on 25 January 2010.
2. It is directed that the appeal be heard by the Supreme Court of Appeal.
3. The costs of this application for leave to appeal are costs in the appeal.

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P.A. MEYER  
JUDGE OF THE HIGH COURT

2 February 2010.