

IN THE HIGH COURT OF SOUTH AFRICA (SOUTH GAUTENG)

JOHANNESBURG

CASE NO: 20235/06

DATE: 16.01.2013

10 In the matter between

MD MAWERE

1st Applicant

P MARIEMUTHU

2nd Applicant

versus

SMM HOLDINGS (PTY) LTD

Respondent

J U D G M E N T

20 **WILLIS, J:**

[1] This is an application for leave to appeal against the judgment, which I gave in this matter on 11 October 2012.

[2] I am satisfied that there are no reasonable prospects that another court will come to a different conclusion from my own.

[3] The following is the order of court:

1. The application for leave to appeal is dismissed with costs.
2. The 1st and 2nd applicants (the 1st and 2nd defendants in the main action) are jointly and severally liable to pay the respondent's cost in the application for leave to appeal, the one paying the other to be absolved.

10 Appearances:

For the 1st applicant: in person.

For the 2nd applicant: Adv M Witz instructed by Kirshen Naidoo and Company Limited.

For the respondent: Adv HC Botma instructed by Brink Co and Le Roux Incorporated.

Date of hearing: 16 January 2013

Date of judgment: 16 January 2013.

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