

REPUBLIC OF SOUTH AFRICA



**IN THE GAUTENG HIGH COURT
LOCAL DIVISION, JOHANNESBURG**

CASE NO: A5032/2013

In the matter between

**ANDREW TREVOR NORDENGEN
OUTSOURCE INDUSTRIAL
LOGISTICS (PTY) LTD**

FIRST APPELLANT

SECOND APPELLANT

and

VANGUARD RIGGING (PTY) LTD

RESPONDENT

S U M M A R Y

Interdict - Restraint of Trade – Appeal - against restraint order of court a quo - effective term of order 18 months - mootness of appeal raised as by the time appeal heard effective period of restraint almost expired - section 21A of Supreme Court Act 59 of 1995 - provides for dismissal of appeal on the sole ground that the ‘issues are of such a nature that the judgment or order sought will have no practical effect or result’ - no exceptional circumstances as to costs permitting the hearing of the appeal alleged or found to exist - fundamental principle that appeal should only be heard if it would have a real practical effect or result reaffirmed - appeal dismissed - Costs of application in the court a quo and costs of appeal - powers conferred on court in terms of section 21A(c)(i) and (ii) of the Act to determine both – circumstances leading to mootness of appeal examined - no blame to be attributed to the appellant - appellant entitled to proceed with appeal despite mootness having been raised prior to the hearing of the appeal - fair and just for each party to pay its own costs in relation to both the application and the appeal.