

## REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 35836/2017

(1)	REPORTABLE: NO	
(2)	OF INTEREST TO OTHER JUDGES: No	
(3)	REVISED.	
DATE	1 March 2019	SIGNATURE

In the matter between:

DIRECT REWARDS LIMITED (PTY) LTD

First Applicant

SHAIK INVESTMENT HOLDINGS (PTY) LTD

Second Applicant

AFFORDABLE BENEFITS (PTY) LTD

Third Applicant

THE ACTIVATION AGENCY (PTY) LTD

Fourth Applicant

SULEMAN SHAIK

Fifth Applicant

and

RIKASH SEETARAM

Respondent

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 LEAVE TO APPEAL JUDGMENT
 

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Molahlehi, J

- [1] This is an application for leave to appeal against the judgment of this court made on 14 December 2018. The main issue before the court was whether the applicants were entitled to confirmation of the *rule nisi* which was granted in their favour on 26 September 2016. The confirmation was refused and accordingly the *rule nisi* was discharged.
- [2] The test to apply in considering an application of this nature is whether there is, as envisaged by the provisions of s 17(1) (a) (i) of the Superior Courts Act 10 of 2013 (the Act), reasonable prospects of success.
- [3] The applicants in the present matter have raised several grounds of appeal which are set out in their application. The same are on record and thus it is not necessary to repeat in this judgment.
- [4] The main case of the applicant was about the return of the laptop and the various documents contained therein. As appears from the judgment the respondent upon his resignation from his employ with the applicants took with him the laptop and the office keys. The order confirming the *rule nisi* on the return day would have been impossible to perform as at that point the laptop, the documents contained therein and the keys were already returned to the applicant. I am not persuaded that another court is likely to arrive at the decision different to that reached by this court in that regard.
- [5] I am further not persuaded that another court is likely to arrive at a different decision as concerning the approach adopted in the judgment concerning the reconsideration of urgency. The issue of reconsidering urgency arose in the

context of determining the issue of costs. This issue is addressed in the judgment. I stand by the reasons proffered for the approach adopted in the judgment and have not been persuaded that another court is likely to arrive at a different conclusion than that reached by this court.

[6] In the circumstances I find that the applicants have failed to make out a case for leave to appeal.

Order

[7] In the premises the applicants' application for leave to appeal is dismissed with costs.



E Molahlehi

Judge of the High Court,

Gauteng Local Division,

Johannesburg

**Representation:**

For the Applicant: Adv L Halgryn SC with Adv CT Vetter

Instructed by: ABBA PARAK INCORPORATED

For the Respondent: Adv C Van der Merwe

Instructed by: SENEKAL SIMMONDS INCORPORATED

Heard on: 21 February 2019

Delivered on: 01 March 2019