

REPUBLIC OF SOUTH AFRICA



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

CASE NO: 44541/2017

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: NO	
(2) OF INTEREST TO OTHER JUDGES: NO	
(3) REVISED :	
25/3/2020	
DATE	SIGNATURE

In the matter between:

DUIKER KLAAS MALETSE

Appellant

and

PRASA

Respondent

JUDGMENT

SENYATSI J:

- [1] The Applicant applies for leave to appeal against the judgment I handed down on 19 September 2019 dismissing the Applicant's claim with costs.

- [2] The Applicant has raised a number of grounds of appeal which I will not repeat in this Judgment.
- [3] In my judgment, after the assessment of the evidence by both parties, it was common cause that the versions of the parties evidence were mutually exclusive. The case was determined on the credibility of each witness. My conclusion was that the applicant was not credible and was less candid in his testimony. Consequently his version was found to have been more improbable and was rejected.
- [4] The test for granting of leave to appeal is codified in section 17 (1) (a) of the Superior Courts Act 10 of 2013 which reads as follows:
- “[1] Leave to appeal may be given where the Judge or Judges concerned are of the opinion that-*
- (a) (i) the appeal would have reasonable prospects of success; or*
- (b) There is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under, consideration ”*
- [5] The bar for the success of leave to appeal has been raised higher in terms of the new Act. The Applicant is required to show that the appeal “would” have reasonable prospects of success. This is now trite law.
- [6] In the instant case, I find that the grounds raised for appeal are so widely expressed and therefore insufficient to comply with the requirements of section 17 of the Act.
- [7] It follows in my respectful view that that the application for leave to appeal must fail.

ORDER:

The application for leave to appeal is dismissed with costs

A handwritten signature in blue ink, appearing to be 'Senyatsi ML', written over a horizontal line.

SENYATSI ML

**Judge of the High Court of South Africa
Gauteng Local Division, Johannesburg**

Date leave to appeal application heard: 26 February 2020

Date of Judgment: 25 March 2020

Appellants Counsel: Adv. Ramaili

Instructed by: B Mzamo Incorporated

Respondents Counsel: Adv. Langa

Instructed by: Norton Rose Fulbright South Africa