

IN THE HIGH COURT OF SOUTH AFRICA



GAUTENG DIVISION, JOHANNESBURG

CASE NUMBER: 9333/2020

DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: NO
- (2) OF INTEREST TO OTHER JUDGES: NO
- (3) REVISED: ✓

In the application of:

GALLOPTIC TRADE & INVESTMENTS 15 (PTY) LTD

APPLICANT

and

GROENEWALD, DEON

FIRST RESPONDENT

GROENEWALD, KOOS

SECOND RESPONDENT

THE UNLAWFUL OCCUPIERS OF PORTION 17

OF THE FARM WELTEVREDEN NR 17

THIRD RESPONDENT

MOGALE CITY LOCAL MUNICIPALITY

FOURTH RESPONDENT

Coram: Wepener J

Date of hearing: 30 August 2022

Date of Judgment: 4 October 2022

This judgment is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties / their legal representatives by email. The judgment is further uploaded to the electronic file of this matter on Caselines by the Judge his secretary. The date of this Order is deemed to be 4 October 2022.

JUDGMENT

Wepener, J:

[1] The applicants seek leave to appeal a judgment handed down by me on 20 April 2022. In the judgment I dealt with the point regarding notification that was given to the appellants. Despite the appellant's counsel advising that if that point is found in the respondents favour, that it should be the end of the battle, ⁺ There was some mention of aprobating and reprobating and the right to cancel whilst reprobating. I did not deal with this point in the judgment. Another court may find that the point is good.

[2] In the circumstances I grant the applicants leave to appeal to the full court of this division.

[3] The costs of the application are the costs in the appeal.

W.L. Wepener

Judge of the High Court of South Africa

Counsel for the Applicants: Adv R Bhima

Attorneys for the Applicants: Swanepoel van Zyl Attorneys

Counsel for the Respondents: JH van den B Lubbe

Attorneys for the Respondents: Crawford Legal Practitioners

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

Case Number: 9333/2020

Dated: 30 AUGUST 2022

Before the Honourable Judge Wepener

GALLOPTIC TRADE & INVESTMENTS 15 (PTY) LTD

APPLICANT

and

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ORDER

**HAVING HEARD COUNSEL AND HAVING READ THE PAPERS FILED OF RECORD IT IS
ORDERED THAT:**

1. The first to third respondents are granted leave to appeal to the Full Bench of this Division against the whole of the judgment of this Court under the above case number, dated 19 April 2022;
2. The costs of the application for leave to appeal.

are costs in the

✓

BY ORDER OF COURT

REGISTRAR

Submitted by:

Counsel for Respondents

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