

REPUBLIC OF SOUTH AFRICA




2022/10/12

IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, JOHANNESBURG)

CASE NUMBER: 21311/2017

DATE OF HEARING: 12 October 2022

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
2022/10/12	
DATE	SIGNATURE

In the matters between:

**GIVEN KHOZA**

**Applicant**

and

**FIRST RAND BANK LIMITED**

**Respondent**

In re:

**FIRST RAND BANK LIMITED**

**Plaintiff**

and

**GIVEN KHOZA**

**Defendant**

This judgment has been delivered by being uploaded to the caselines profile on 12 October 2022 at 10h00 and communicated to the parties by email.

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## **APPLICATION FOR LEAVE TO APPEAL JUDGMENT**

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**Sutherland DJP**

### **Introduction**

- [1] This an application for leave to appeal against an order made by Tsoka J on 1 February 2018. The matter was heard in the unopposed motion court and an order was given without reasons, as is the practice in that court. Eleven months elapsed and on 29 November 2019, a notice of application for leave to appeal was lodged by the defendant against whom the order had been made. After that date the defendant made no further attempts whatsoever to prosecute the application for leave to appeal.
- [2] On 5 October 2022, notice of this hearing, at the instance of the plaintiff was made and the matter came before me on 12 October 2022. It is plain from the bare bones of the application for leave to appeal that no hint is given as to what grounds might be relied upon to support the application, and to that extent, it is problematic, even on a generous interpretation, that rule 49 of the rules of court have been complied with.
- [3] In any event for reason of non-prosecution, the application itself deserves to be dismissed. The relief which is sought in terms of the draft order, is that the application for

leave to appeal be dismissed and that Mr Khoza, the applicant for the application for leave to appeal should pay the costs of this application. This seems to be wholly appropriate.

[4] In this circumstances:

The order is made in terms of the draft dated 12 October 2022, attached hereto.



**Sutherland DJP**

Heard: 12 October 2022  
Judgment: 12 October 2022

The Applicants were represented by: Adv Raymond Peterson  
Instructed by: Glover Kannieappan Incorporated

There was no appearance on behalf of the respondent.

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

*TOS*  
*2024/10/12*  
**074-9**

Case number: **2017/21311**

**AT JOHANNESBURG on this 12<sup>th</sup> DAY OF OCTOBER 2022**

**BEFORE THE HONOURABLE DEPUTY JUDGE PRESIDENT SUTHERLAND**

*Counsel for the Respondent: R. Peterson*

In the matter between:

**GIVEN KHOZA**

Applicant

and

**FIRSTRAND BANK LIMITED**

Respondent

*In re:*

**FIRSTRAND BANK LIMITED**

Plaintiff

and

**NKULULEKO THAMBA SIBISI**

1<sup>st</sup> Defendant

**GIVEN KHOZA**

2<sup>nd</sup> Defendant



**074-9**

*R*

VLS

074-10

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COURT ~~DRAFT~~ ORDER

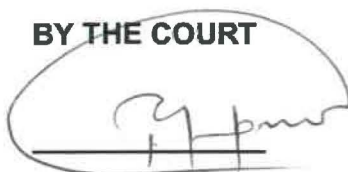
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Having read the documents filed of record, heard counsel and considered the matter:

**IT IS ORDERED THAT:**

1. The application for leave to appeal is dismissed.
2. The applicant (Given Khoza) is to pay the costs of this application.

**BY THE COURT**



**THE REGISTRAR**

**COUNSEL FOR THE RESPONDENT:**

Advocate Raymond Peterson

076 203 7963

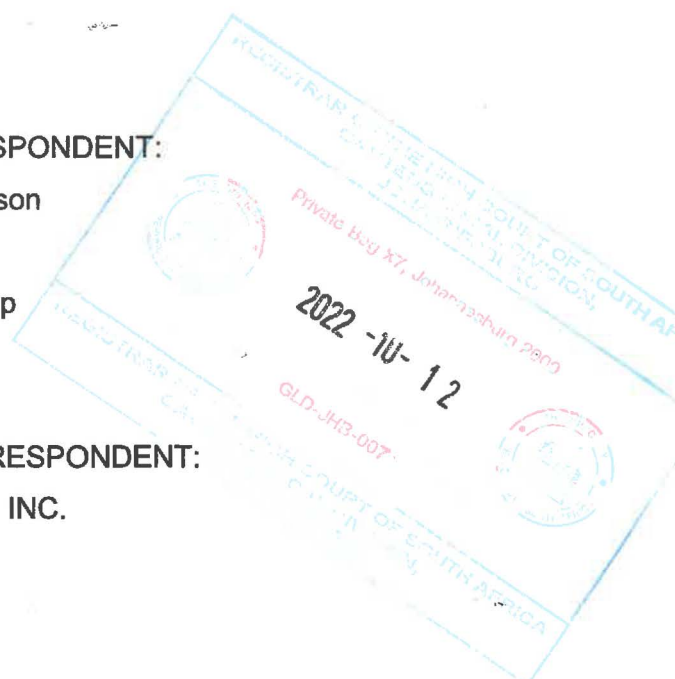
Maisels Chambers 3 Group

[raymond@rsabar.com](mailto:raymond@rsabar.com)

**ATTORNEYS FOR THE RESPONDENT:**

GLOVER KANNIEAPPAN INC.

011- 482-5652



074-10