



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

CASE NO: 2023-025384

1. Reportable: No
2. Of interest to other judges: No
3. Revised

18 September 2023
Wright J

In the matter between:

LENDTECH INVESTMENT HOLDINGS PRIVATE LIMITED

APPLICANT

and

IMS TECH CORP LIMITED

1ST RESPONDENT

IMS VENTURES (PTY) LTD

2ND RESPONDENT

IMS VENTURES DIGITAL (PTY) LTD

3RD RESPONDENT

MOBI SYSTEMS SOLUTIONS (PTY) LTD

4TH RESPONDENT

TELKOM SA SOC LIMITED

5TH RESPONDENT

MTN GROUP LIMITED

6TH RESPONDENT

MOBILE TELEPHONE NETWORKS (PTY) LTD

7TH RESPONDENT

JUDGMENT – APPLICATION FOR LEAVE TO APPEAL

WRIGHT J

1. On 6 June 2023 I handed down a typed, signed judgment in the main application. This judgment is to be read with that judgment.
2. Lendtech now seeks leave to appeal my order of 6 June 2023.
3. In my view and with the provisions of section 17(1)(a)(i) of the Superior Courts Act 10 of 2013 in mind the applicant, Lendtech has no reasonable prospect on appeal and under section 17(1)(a)(ii) there is no other compelling reason why leave to appeal should be granted.
4. The respondents sought dismissal of this application with costs on a punitive scale. The arguments are that this application, like that before me originally, is hopeless and there has been a change of tack in argument on appeal.
5. I would not go so far as to find that the present application is dishonest just because there is a change in argument. Taking perhaps a somewhat lenient view of the applicant's case now, ordinary costs suffice in the present application.

ORDER

1. The application is dismissed with costs, including those of two counsel where so employed.



GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 18 September 2023

DELIVERED : 18 September 2023

APPEARANCES :

APPLICANT Adv Anthonie Jansen Van Vuuren SC

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