



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

CASE NO: 10135/2021

(1) REPORTABLE: YES / NO
(2) OF INTEREST TO OTHER JUDGES: YES / NO
(3) REVISED.

DATE 16. 02. 2023

SIGNATURE

IN THE MATTER BETWEEN:

ECO AFRICA INVESTMENTS
(PTY) LIMITED T/A SNAPPY
CHEF (WC) E BOTSWANA

APPLICANT

AND

SNAPPY CHEF TRADING
(PTY) LIMITED

RESPONDENT

JUDGMENT
(APPLICATION FOR LEAVE TO APPEAL)

STRIJDOM AJ

1. This is an application for leave to appeal my judgement handed down on 7 November 2022 wherein the main application was dismissed with costs.
2. Leave to appeal is sought to the Full Court of this division.
3. The applicant's grounds of appeal are summarily set out in their application for leave to appeal.
4. Section 17(1)(a) of the Superior Courts Act 10 of 2013 provides that leave to appeal may only be granted where the judge or judges concerned are of the opinion that the appeal would have a reasonable prospect of success, or if there is some compelling reason why the appeal should be heard including conflicting judgements on the matter under consideration.
5. Each application for leave to appeal must be decided on its own facts.
6. The Superior Courts Act has raised the bar for granting leave to appeal in the **Mont Chevaux Trust (IT 2012/28) v Tina Goosen** and 18 others. The court held as follows:

‘It is clear that the threshold for granting leave to appeal against a judgement of a High Court has been raised in the new Act. The former test whether leave to appeal should be granted was a reasonable prospect that another court might come to a different conclusion. The

use of the word 'would' in the new statute indicated a measure of certainty that another court will differ from the court whose judgement is sought to be appealed against.'

7. In my reasons for judgement, I properly dealt with all the issues raised by the applicant and gave comprehensive reasons for the findings.
8. Having considered the grounds of appeal and submissions made by the parties, I am of the view that there are no reasonable prospects of success that another court would come to a different conclusion.
9. In the result the application for leave to appeal is dismissed with costs.



STRIJDOM AJ
ACTING JUDGE OF THE
HIGH COURT OF SOUTH
AFRICA GAUTENG
DIVISION JOHANNESBURG