

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG PROVISION, PRETORIA)**

8/4/2016

CASE: 60053/2012

Not reportable

Not of interest to other judges

Revised

In the matter between:

P R V M

APPLICANT

and

E V M

RESPONDENT

**JUDGMENT
(APPLICATION FOR LEAVE TO APPEAL)**

TLHAPI J

[1] This is an application for leave to appeal against the whole of my judgment of 10 December 2015. I shall not restate the grounds of appeal save to state that the main issue is whether on the facts before me the Respondent was entitled to a rectification of the Ante- nuptial contract of the parties as set out in the order.

[2] It was trite that an application for leave to appeal should succeed if there was a reasonable prospect on the facts or on both fact and law that another court may arrive

at a different conclusion. In this application I am therefore called upon to objectively consider the facts upon which my decision was based. This entails another exercise to objectively revisit the facts as a whole and to consider them in the light of the grounds of appeal. In my view this leave to appeal centres around an appeal on the facts on the findings of what transpired prior to the signing of the ante-nuptial contract, during the signing of such contract and subsequent thereto. Having considered the submissions and argument of counsel for the applicant and respondent and, in the absence of a lack of disclosure in the application that there was a misdirection on my part, I am not persuaded that there are reasonable prospects of another court coming to a different conclusion. The application must therefore fail.

[3] The following order is given:

The application for leave to appeal is dismissed with costs.

TLHAPI W

(JUDGE OF THE HIGH COURT)

ATTORNEYS FOR THE APPLICANT/PLAINTIFF:

**BERNHARD VAN DER HOVEN
ATTORNEYS**

ATTORNEYS FOR THE RESPONDENT /DEFENDANT:

**COUZVN HERTZOG & HORAK
INCORPORATED.**