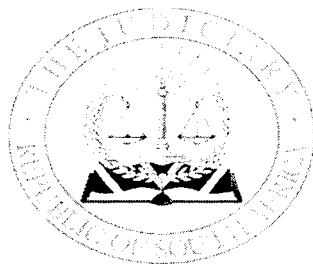


REPUBLIC OF SOUTH AFRICA




IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

01/11/2016

CASE NO: 20072/2014

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED.
	01.11.2016
SIGNATURE	DATE

MATEMANE, NIKWANE VINCENT

Applicant

And

NEDBANK LIMITED

Respondent

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

AC BASSON, J

- [1] This is an application for leave to appeal against the factual findings made by this court. I do not intend restating all the arguments as the same arguments were fully ventilated at the hearing of the matter. Suffice to point out that I have reconsidered all the submissions in light of my judgment.
- [2] The test to be applied in applications for leave to appeal is regulated by section 17(1) of the Supreme Courts Act 10 of 2013:

“17 Leave to appeal

(1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that-

- (a) (i) the appeal would have a reasonable prospect of success; or
(ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration;*

(b) the decision sought on appeal does not fall within the ambit of section 16

(2) (a); and

(c) where the decision sought to be appealed does not dispose of all the issues in the case, the appeal would lead to a just and prompt resolution of the real issues between the parties.”

- [3] The test for leave to appeal is twofold: Firstly, is there is reasonable prospect of the appeal succeeding¹ and, secondly, is this a case of substantial importance not only to the parties, but also to the public at large²
- [4] I have considered the matter and I am not persuaded there is a reasonable prospect that another court may come to a different conclusion.
- [5] In the event I make the following order:

The application for leave to appeal is dismissed with costs.

¹ *Janit v Van den Heever NNO* (No 2) 2001 (1) SA 1064 (W) at 1062F.

² *Westinghouse Brake and Equipment (Pty) Ltd v Bilger Engineering (Pty) Ltd* 1986 (2) SA 555 (A) at 560I.



AC BASSON

JUDGE OF THE HIGH COURT

Appearances:

For the appellant : Adv BM Motshwane

Instructed by : Dale Attorneys c/o Seabi Attorneys

For the respondent : Adv J Minnaar

Instructed by : DRSM Attorneys