



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

CASE NO: 41557/2018

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

DATE: 09 MARCH 2021

SIGNATURE

In the matter between:

KHASHANE LA MMAPOWANA MANAMELE
MANAMELA MAROBELA & ASSOCIATES INCORPORATED
And

First Applicant
Second Applicant

TIKANE MOSES PUDIKABEKWA

Respondent

In re:

TIKANE MOSES PUDIKWABEKWA

Plaintiff

And

KHASHANE LA MMAPOWANA MANAMELA
MANAMELA MAROBELA & ASSOCIATES INCORPORATED

First Defendant
Second Defendant

JUDGMENT

MOTHA AJ

1. This is an application for leave to appeal my judgment handed down on 18 January 2021. The Application is premised on the reasons set out in the Application for leave to appeal. There is little point in yet again traversing the reasons of this Application.
2. Firstly, it bears mentioning that the Applicants brought an Application for condonation for the late filing of their leave to appeal. They submitted that there was confusion brought about by the uploading of a different matter on CaseLines. On 28 January 2021 this matter was finally uploaded on CaseLines. Hence, they experienced difficulties in computing the date on which to file the leave to appeal. It is trite that the standard for considering an application for condonation is the interest of justice. *Vide Van Wyk v Unitas Hospital* 2008 (2) SA 472 (CC). Accordingly, it will not be in the interest of justice to refuse condonation under these circumstances. Therefore condonation is granted for the late filing of this Application.
3. The Applicants contend that there are reasonable prospects that another Court will come to a different conclusion. However, the Respondent submits that this Application is without merit.

4. Having listened to the arguments presented by both the parties, I am of the opinion that none of the grounds set out in Section 17 of the Superior Courts Act exist. Therefore, I agree with the submissions made by the Respondent's Counsel that there are no reasonable prospects of another Court arriving at a different conclusion.

Order

5. In the result I make an order to the effect that there is no reasonable prospect that another Court might arrive at a different conclusion and, consequently, the Applicants' leave to appeal is refused with costs, on a party and party scale.

A handwritten signature in blue ink, appearing to be 'M. Motha', is written over a horizontal line. The signature is enclosed within a large, hand-drawn oval.

MOTHA AJ

ACTING JUDGE OF THE HIGH COURT

GAUTENG DIVISION OF THE HIGH COURT, PRETORIA

Date of hearing: 09 March 2021

Date of judgment: 09 March 2021

Delivered: This judgement was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the parties/their legal representatives by email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 09 March 2021.

Appearances:

For the Applicant: Adv. R. Baloyi

(Instructed by Manamela Marobela & Associates Inc)

For the Respondent: Adv. D. Keet

(Instructed by Chantel Van Heerden Attorneys)