

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 62934/2014

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

Date: 17 February 2022 E van der Schyff

In the matter between:

JOLANDIE CALITZ AND TWO OTHERS N.O.

APPLICANT

and

MINISTER OF POLICE

RESPONDENT

JUDGMENT

Van der Schyff J

Introduction

[1] In this judgment, the parties are referred to as in the action.

[2] The plaintiff filed an application for leave to appeal against the whole of the judgment and order delivered on 29 October 2021. The plaintiff raised several grounds of

appeal. I do not intend to deal with these grounds herein, as I handed down a written judgment wherein I dealt extensively with the reasons for my findings.

- [3] It is trite that to succeed in an application for leave to appeal, 'more is required to be established than that there is a mere possibility of success, that the case is arguable on appeal or that the case cannot be categorised as hopeless.'¹ After considering the grounds of appeal, I am not of the opinion that, on the unique facts of this case and the evidence presented, a reasonable probability exists that another court **would** come to a different conclusion.

ORDER

In the result, the following order is made:

1. The application for leave to appeal is dismissed with costs, including the costs of two counsel.

E van der Schyff
Judge of the High Court

Delivered: This judgement is handed down electronically by uploading it to the electronic file of this matter on CaseLines. It will be sent to the parties/their legal representatives by email as a courtesy gesture. The date for hand-down is deemed to be 16 February 2022.

Counsel for the applicant:	Adv. L Kellerman SC
With:	Adv. W Gibbs
Instructed by:	OKEKE Attorneys
Counsel for the respondent:	Adv. M W Van Zyl SC
With:	Adv. D G V O Sevenster
Instructed by:	State Attorney, Pretoria
Date of the hearing:	9 February 2022
Date of judgment:	17 February 2022

¹ *Smith v S* 2012 (1) SACR 567 (SCA) at para 7.