

IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION,
PRETORIA

CASE NO: 51643/16

DATE: 23/03/2022

In the matter between:

**SOUTH AFRICAN MUNICIPAL WORKERS
UNION NATIONAL PROVIDENT FUND**

Applicant

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And

TLOKWE LOCAL MUNICIPALITY

THE MUNICIPAL MANAGER: TLOKWE

First Respondent

LOCAL MUNICIPALITY

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THE CHIEF FINANCIAL OFFICER:

Second Respondent

TLOKWE LOCAL MUNICIPALITY

Third Respondent

THE COMMISSIONER FOR THE SOUTH

AFRICAN REVENUE SERVICES

Fourth Respondent

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J U D G M E N T

BRETT, AJ:

The applicant seeks leave to appeal the judgment that I delivered on 13 March 2019.

The grounds of appeal relied on by the applicant are fully articulated in its notice of application for leave to appeal, which were developed upon in the heads of argument and oral submissions made.

The first, second and third respondents also filed heads of argument and made oral submissions at the hearing of this application.

I am indebted to both counsel for their assistance herein.

10 Section 17 of the Superior Courts Act: 10 of 2013 provides as follows:

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 reasonable prospects of success; or
 - (ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.

20 Having regard to the submissions made by the parties I consider that both requirements under sections 17 (1) (a) (i)(ii) have been satisfied and that leave to appeal should be granted.

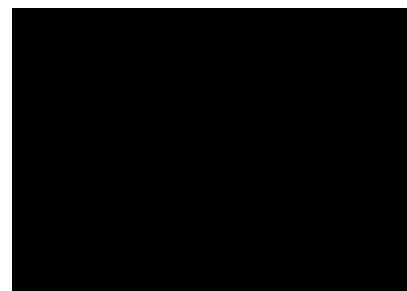
Both counsel were agreed that in the event of leave to appeal being granted the appropriate court would be the Full Bench of this division. I agree that the appropriate court is the Full Bench.

In the result I make the following orders:

1. Leave to appeal is granted to the Full Bench of this division.
2. Costs of this application are to be costs in the appeal including the costs consequent upon the employment of senior counsel.

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BRETT A J
Acting Judge of the High Court
23/03/2022