

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

Case number: 21392/20

REPORTABLE: **NO**
OF INTEREST TO OTHER JUDGES: **NO**
REVISED. **YES**
1 JUNE 2022

In the matter between:

SANNAH SANKIE MOREBUDI
JOSEPH MABUSEN MOREBUDI
NEO THANDO HOLDINGS (PTY) LTD

First Applicant
Second Applicant
Third Applicant

and

BRAD BARKER
CHARLES LUYCKX
ELLIOT MOBILITY (PTY) LTD
NEO THANDO ELLIOT MOBILITY (PTY) LTD

First Respondent
Second Respondent
Third Respondent
Fourth Respondent

NEUKIRCHER J:

1] This is an application for leave to appeal against the judgment and order handed down on 19 April 2022 in which both the application and the counter-application were dismissed. There is no counter-application for leave to appeal.

2] The reasons for the order are clearly set out in the judgment and are not repeated herein.

3] The parties agreed that the application for leave to appeal could be decided on the papers and I afforded them an opportunity to file heads of argument, which they did. I have considered the application for leave to appeal as well as the heads

of argument and I am of the view that the applicants have a reasonable prospect of success on appeal based on the grounds of appeal.

4] As a result the order granted is the following:

- 1. The applicants are granted leave to appeal to the Full Bench, Gauteng Division.**
- 2. Costs are costs in the appeal.**

**B NEUKIRCHER
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA**

Delivered: This judgment 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 1 JUNE 2022.

For the Plaintiff : Adv SK Hassim SC, with her Adv PA Venter

Instructed by : VZLR Inc

For the Defendants : Adv M Nowitz

Instructed by : Nochumsohn & Teper Inc

Leave to appeal adjudicated on the papers