

REPUBLIC OF SOUTH AFRICA



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

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

14 October 2022
DATE

A handwritten signature in black ink, appearing to be "M. M. M.", is written over a horizontal line.

SIGNATURE

CASE NO: 84994/2019

In the matter between: -

CLIVE MALCOLM ELLISON

Applicant

And

MARHINUS JACOBUS DEWALD BREYTENBACH N.O.

First Respondent

RICHARD HICKEN N.O.

Second Respondent

(In their capacity as Joint Trustees of
CLIVE MALCOLM ELLISON)

CITY OF TSHWANE

Third Respondent

This judgment is issued by the Judge whose name is reflected herein and is submitted electronically to the parties/their legal representatives by email. The judgment is further uploaded to the electronic file of this matter on CaseLines by the Judge or her Secretary. The date of this judgment is deemed to be 14 October 2022.

**AMENDED RULING ON COSTS IN THE APPLICATION FOR
LEAVE TO APPEAL**

[1] On 3 October 2022, I granted the applicant leave to appeal to the Full Court of the Gauteng Division.

[2] The order I made at the time read as follows:

“10.1 Leave to appeal is granted to the Full Court of the Gauteng Division with costs.”

[3] In granting the applicant leave to appeal, I should have awarded costs to read "costs in the appeal" instead of granting leave "with costs."

[4] The costs so awarded by me, was clearly a patent error in terms of Rule 42(1)(b) and same at the request of the applicant and by agreement with the respondent is accordingly corrected in terms of the rule.

[5] Annexed, please find a copy of the amended Judgment.



COLLIS C

JUDGE OF THE HIGH COURT

GAUTENG DIVISION

APPEARANCES

Counsel for Applicant	: Adv. CB Ellis
Instructed by	: Jacobson and Levy Inc. Attorneys
Counsel for Respondents	: Adv. L Hollander
Instructed by	: Serfontein, Viljoen and Swart Attorneys
Date of Hearing	:07 September 2022
Date of Ruling	:14 October 2022