

IN THE HIGH COURT OF SOUTH AFRICA



GAUTENG DIVISION, PRETORIA

Case No 35801/19

<u>DELETE WHICHEVER IS NOT APPLICABLE</u>	
(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES / NO
(3)	REVISED.
<u>19 October 2022</u> DATE SIGNATURE

In the matter between:

NHLABATHI SAMUKELISIWE LOUWEN

PLAINTIFF

and

MEC FOR THE DEPARTMENT OF HEALTH

GAUTENG

DEFENDANT

LEAVE TO APPEAL

FRANCIS-SUBBIAH, AJ:

- [1] The applicant/defendant seeks leave to appeal against the entire judgment and order delivered on 22 July 2022 in this matter.
- [2] The respondent/plaintiff opposes the application for leave to appeal.
- [3] In considering a leave to appeal there must be reasonable prospects that another court may come to a different conclusion.
- [4] The respondent opposed this application on the basis that I had not erred in the findings and that there are no prospects that another court may come to a different conclusion.
- [5] Having read the papers and having heard counsel I had considered the issues raised by the applicant in this leave to appeal in coming to a decision on the trial matter. I have dealt in depth with many of the issues raised in the application in my judgment.
- [6] I am of the view that there are reasonable prospects that another court may come to a different conclusion. Leave to appeal should therefore be granted to the Full Court of the Gauteng Division.
- [7] Accordingly the following order is made:
 - 7.1 Leave to appeal to the Full Court of the Gauteng Division is hereby granted.

7.2 The costs of this application are to be costs in the appeal.

A handwritten signature in black ink, appearing to read 'Francis', is written over a horizontal dashed line.

FRANCIS-SUBBIAH, AJ

ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION

PRETORIA

Counsel for the Applicant/ Defendant: Adv N Manaka

Instructed by: State Attorney

Counsel for the Respondent/ Plaintiff: Adv NGD Maritz SC

Instructed by: Joseph's Inc

Date of Hearing: 13 October 2022

Date of Judgment: 19 October 2022