

REPUBLIC OF SOUTH AFRICA



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

CASE NO: 6626/2020

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

25 October 2022
DATE


.....
SIGNATURE

In the matter between:

MPHO ABEL MMUSI

APPLICANT

and

THE STANDARD BANK OF SOUTH AFRICA LIMITED

RESPONDENT

JUDGMENT

MOGALE, AJ


INTRODUCTION

- [1] On 25 October 2022, the applicant brought an application for Leave to Appeal an order granted on 02nd September 2021.
- [2] The respondent appeared, but the applicant failed to appear in court. The applicant also failed to inform the court of his non-appearance.
- [3] The respondent applied to this court for Leave to Appeal to be dismissed with costs, and such be on an attorney and client scale.
- [4] On 25 October 2022, I handed down the order in terms of which I dismissed the application with costs.
- [5] I find that I erred by dismissing the application for Leave to Appeal instead of striking off the application due to the non-appearance by the applicant
- [6] In light of the above error, I hereby recall my order and invoke the provisions of Rule 42(1)(a) and make the following order:

I accordingly make the following order:

ORDER

- 1. The matter is struck off the roll for non-appearance.
- 2. The applicant has to file substantial heads of arguments for Condonation within fifteen (15) days after this order is granted before filing for Leave to Appeal.
- 3. The applicant is to pay the costs on an attorney and client scale.



K J MOGALE

ACTING JUDGE OF THE
GAUTENG DIVISION,
PRETORIA

Electronically submitted.

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 25 October 2025.

Date of hearing: The matter was heard by way of video conferencing or otherwise; the matter may be determined accordingly. The matter was set down for a court date of 07 September 2021.

Date of the Order: 25 October 2022

Heard on	: 25 October 2022
For the Applicants	: No Appearance
For the Respondent	: Advocate Z Schoeman
Date of the Order:	: 25 October 2022