

**IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

Case No: 4331/2020P

In the matter between:

**THE PRUDENTIAL AUTHORITY**

Appellant

and

**MKHULULI NOBLE DLAMINI**

First Respondent

(Identity Number: [....])

**NOSIPHO PRUDENCE DLAMINI**

Second Respondent

(Identity No: [....])

**ORDER**

[1] The application for leave to appeal against the whole of my judgment delivered on 18 March 2022 is granted to the Supreme Court of Appeal.

[2] The costs of the application will be costs in the appeal.

## **JUDGMENT**

### **Ploos Van Amstel J**

[1] By agreement between the parties, the application for leave to appeal was decided without the hearing of oral argument. Both parties however, submitted written heads of argument.

[2] I consider that I should grant leave to appeal to the Supreme Court of Appeal, on the basis that the appeal will have reasonable prospects of success and on the further basis that The Prudential Authority needs guidance on the proper interpretation of Sections 83 and 84 of the Banks Act, 94 of 1990.

[3] With regard to the delay which has occurred in this matter, I record that the parties agreed in September 2022 that the application would be dealt with on the papers, with written heads of argument. Heads of argument were delivered on 13 and 21 October 2022, when I was on long leave. I returned to work on 15 November 2022.

[4] **Order:**

(a) The application for leave to appeal against the whole of my judgment delivered on 18 March 2022 is granted, to the Supreme court of Appeal.

(b) The costs of the application will be costs in the appeal.

**CASE INFORMATION**

Date Judgement Delivered

17 November 2022

This judgment has been handed down electronically by circulation to the parties' representatives by email. The date and time for hand down is deemed to be 10h00 on 17 November 2022

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(Ref: P L FIRMAN/WER/0064

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