

**IN THE HIGH COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)**

CASE NO. 12016/98

In the matter between:

**STOCKS HOTELS & RESORTS
(CAPE) (PROPRIETARY) LIMITED**

Applicant

and

**THE WESTERN CAPE GAMBLING
AND RACING BOARD**

First Respondent

TRANSNET PENSION FUND

Second Respondent

JUDGMENT FOR LEAVE TO APPEAL GIVEN THIS 10TH DAY OF DECEMBER, 1998

LOUW, J: This is an application for leave to appeal against the judgment and order made by me on 26 October, 1998.

I am informed by counsel for the applicant that the respondent - that is the Western Cape Gambling and Racing Board and Transnet Pension Fund - have both been given notice of this application and that they both abide the decision in the matter.

The application is clearly one of importance to the parties especially the applicant and first respondent. It is a matter which is of some difficulty and I am inclined to consider that leave should be given to appeal against the judgment and order.

The application is for leave to appeal to a full bench of this division of the high court. I raised with counsel whether or not it would not be more advisable to have this matter determined by the Supreme Court of Appeal but he had indicated that he considers it more appropriate to go to the full bench of this division.

I consequently make the following order:

Application for Leave to Appeal against the judgment and order made by me on 26 October, 1998, in this matter, is granted. Such leave to appeal is granted to the full bench of this division and leave is granted to appeal on the grounds set out in the application for leave to appeal.