

19694/2008

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JUDGMENT

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NUMBER:

19694/2008

5 DATE:

25 MARCH 2010

In the matter between:

THE LAND AGRICULTURAL DEVELOPMENT

BANK OF S A t/a LANDBANK

Applicant

10 and

1. TWEE JONGE GEZELLEN (PTY) LTD

1st Respondent

2. NICOLAS CHARLES KRONE

2nd Respondent

3. MINISTER OF JUSTICE & CONSTITUTIONAL
DEVELOPMENT

3rd Respondent

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J U D G M E N T

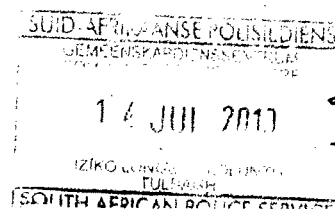
Application for Leave to Appeal

DESAI, J:

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This is an application for leave to appeal to the Supreme Court of Appeal, alternatively to a full bench of this court, against the whole of my judgment. When this matter was initially argued before me, Counsel then appearing for the 1st and 2nd respondents resisted the grant of provisional sentence on /bw

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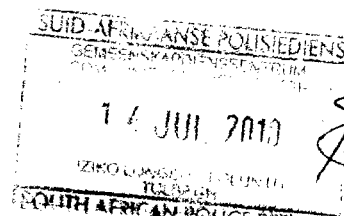
several grounds, including a wide ranging attack upon the constitutionality of the provisional sentence procedure.

Counsel¹ now appearing for the said respondents has, in effect, abandoned most of the defences advanced by his predecessor. He seeks leave to appeal only on the limited basis set out in the final paragraph of the ~~defendants'~~ ^{respondents'} application for leave to appeal. For the reasons set out in my judgment, I am of the view that there are no reasonable prospects of another Court coming to a different conclusion, not even on the limited basis now being suggested by defendants' counsel.

In the result, the application for leave to appeal is dismissed with costs.

DESAI, J

/bw



"NCK 3"



**THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA**

SCA CASE NO: 261/10
WCHC CASE NO: 19694/08

In the matter between:

TWEE JONGE GEZELLEN (PTY) LTD
NICOLAS CHARLES KRONE

1st APPLICANT

2nd APPLICANT

and

LAND & AGRICULTURAL DEVELOPMENT BANK OF
SA t/a LAND BANK

1st RESPONDENT

MINISTER OF DOJ & CD

2nd RESPONDENT

**COURT ORDER
AS PER PONNAN JA *et* R PILLAY AJA
ORDERED ON 24 JUNE 2010**

The application for leave to appeal is dismissed with costs.

By the court.


AE VAN DEN BERGH (MRS)
ACTING REGISTRAR

DIE GRIFFIER, HOOGSTE HOF VAN APPEL
THE REGISTRAR, SUPREME COURT OF APPEAL
BLOEMFONTEIN

