

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NO:

2982/08

5 DATE:

14 JUNE 2010

In the matter between:

GUIDO BRUNI BIDOLI

Applicant

10 and

BARBARA LIESELOTTE BIDOLI

1st Respondent

ROMOLO BIDOLI

2nd Respondent

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JUDGMENT

(Application for Leave to Appeal)

FOURIE, J:

20 The applicant seeks leave to appeal against my judgment handed down on 15 March 2010. Insofar as it relates to the orders set out in sub-paragraphs (i) and (ii) of paragraph 40 thereof, the application is opposed.

It is trite that the applicant has to show that it has a reasonable prospect of success on appeal. The fact that the matter is of substantial importance to the parties concerned, as well as to the public or a class of the public also plays a
5 role in the decision whether to grant leave to appeal. It appears to me that, although I believe that I have come to the correct decision in this matter, I cannot rule out the possibility that another court may reasonably come to a different conclusion.

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It further appears that the matter is not only of importance to the parties, but also to other parties who may be or have been engaged in arbitration proceedings. In view thereof, I have been persuaded to grant leave to appeal. I believe that this is
15 a matter that warrants the attention of the Supreme Court of Appeal.

In the result the following order is made:

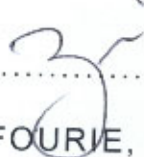
- 20 1. The applicant is granted leave to appeal to the Supreme Court of Appeal against my judgment of 15 March 2010 insofar as it relates to the orders set out in paragraph 40(i) and (ii) thereof; and
- 25 2. The costs of the application for leave to appeal are

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to be costs in the appeal.

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FOURIE, J