

IN THE HIGH COURT OF SOUTH AFRICA(WESTERN CAPE HIGH COURT, CAPE TOWN)CASE NUMBER: 1926/2008DATE: 2 FEBRUARY 2010

5 In the matter between:

WAENHUISKRANS RATEPAYERSASSOCIATION 1st APPLICANTWAENHUISKRANS ACTION GROUP 2nd APPLICANT

and

10 VERREWEIDE (EDMS) ONTWIKKELING(EDMS) BEPERK 1st RESPONDENTCAPE AGULHAS MUNISIPALITEIT 2nd RESPONDENTREGISTRAR OF DEEDS 3rd RESPONDENT

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JUDGMENT

Application for Leave to Appeal

DE SWARDT, AJ:

20 In this matter I have given careful consideration to the arguments that were presented to me in support of the application for leave to appeal. In the course of argument, it was submitted that certain arguments which had been addressed to me during the course of the hearing, were not

25 referred to in the judgment that was subsequently handed

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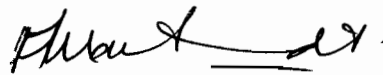
down. The fact that not each and every one of the arguments advanced to me were dealt with in the judgment, does not mean that those matters were not considered.

5 On a conspectus of the arguments presented to me in support of the application for leave to appeal, it appears to me that the essence of the arguments remained the same as they were during the course of the initial hearing before me. On a consideration of the arguments afresh, it still does not appear
10 to me that there is a reasonable prospect that another Court will come to conclusions different to those that I have arrived at in the judgment that I have handed down.

Consequently, leave to appeal is refused.

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DE SWARDT, AJ

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