

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 DEVELOPMENTBANK OF S A t/a LANDBANK

Applicant

10 and

1. TWEE JONGE GEZELLEN (PTY) LTD1st Respondent2. NICOLAS CHARLES KRONE2nd Respondent3. MINISTER OF JUSTICE & CONSTITUTIONALDEVELOPMENT3rd 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

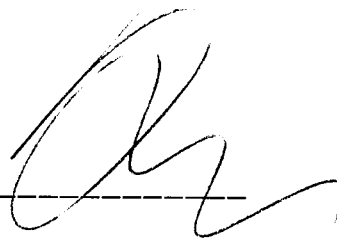
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several grounds, including a wide ranging attack upon the constitutionality of the provisional sentence procedure.

Counsel now appearing for the said respondents has, in effect,
5 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 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
10 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.

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DESAI, J