

**IN THE HIGH COURT OF SOUTH AFRICA****(WESTERN CAPE HIGH COURT, CAPE TOWN)****CASE NUMBER:**

24824/2009

**DATE:**

13 JULY 2010

5 In the matter between:

**DIANE LOUISE STEENKAMP**1<sup>st</sup> Applicant**NEIL DESMOND STEENKAMP**2<sup>nd</sup> Applicant

and

**KNYSNA LOCAL MUNICIPALITY**1<sup>st</sup> Respondent10 **MILLWOOD GARDENS t/a LEISURE****GARDENS**2<sup>nd</sup> Respondent

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**J U D G M E N T****(Application for leave to appeal)**

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**N C ERASMUS, J:**

This is an application for leave to appeal against the judgment that I gave on 18 June 2010. Mr Bruwer, on behalf of the  
20 applicants furnished us with a full document giving notice of the application wherein he had set out all the grounds; only one ground mentioned in paragraph 33 was abandoned today. He also fully argued these grounds.

25 Mr Van der Merwe, on behalf of the respondents, opposed the

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application on the crisp points that the question must be whether the actions of the respondents, more particularly the second respondent was unreasonable objectively in the use of the property.

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I have considered the application. I have again read portions of the record and the judgment, which as *ex tempore*, it was done overnight on the previous occasion that I have handed down. I do not deem it necessary to add anything to that

10 judgment.

The application for leave to appeal to the Full Bench IS REFUSED WITH COSTS.

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A handwritten signature in blue ink, consisting of a large, stylized 'N' followed by 'C ERASMUS, J'. The signature is enclosed within a large, horizontal oval shape.

N C ERASMUS, J