

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

CASE NO:

15855/2008

5 DATE:

30 JULE 2010

In the matter between:

ORAZIO AMILCARE GIUSEPPE REBOLINI

Applicant

10 and

MOSSEL BAY MUNICIPALITY

1st Respondent

DA GAMA MEDIESE SENTRUM CC

2nd Respondent

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JUDGMENT

(Application for Leave to Appeal)

MULLER, AJ:


20 This is application for leave to appeal against a judgment
which was handed down on the 2nd of June 2010. The
judgment itself covers a great deal of ground, as did the
application which at the time served before me. An application
for leave to appeal has now been launched by the applicant in
25 whose favour a number of orders were
/im /...

made. Ms Williams has submitted that another court might reasonably come to a different decision from those decisions which I arrived at. Mr Van der Riet unsurprisingly submits to the contrary.

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I have considered the arguments and the application for leave to appeal. Suffice to say that in my judgment another court is unlikely to come to any different conclusion. All the decisions and orders that I made required an element of judgment and discretion to be applied and, while another Judge might approach the matter somewhat differently, I am not persuaded that a court sitting as a court of appeal would conclude that in any respects I have misdirected myself or failed to consider relevant facts or for some other reason would feel constrained to interfere with the discretions which I exercised.

For those reasons, in my judgment the application for leave to appeal must fail and it is dismissed. The cost must follow the event of the application for leave to appeal. The applicant will pay the cost of the application for leave to appeal.


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MULLER, AJ