

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

4731/2010

5 **DATE:**

27 MAY 2011

In the matter between:

VITO ROBERTO PALAZZOLO

Applicant

and

10 **THE MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**1st Respondent**THE FORMER MINISTER OF JUSTICE AND
CONSTITUTIONAL DEVELOPMENT**2nd Respondent15 **THE DIRECTOR-GENERAL: JUSTICE
AND CONSTITUTIONAL DEVELOPMENT**3rd Respondent20 **THE NATIONAL DIRECTOR OF PUBLIC
PROSECUTION**4th Respondent

J U D G M E N T**Application for Leave to Appeal**

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FOURIE, J:

The applicant seeks leave to appeal to the Supreme Court of Appeal against that part of our judgment handed down on 14
30 April 2011, which relates to the order dismissing the relief

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which was sought in terms of paragraph 6.1 to 6.5 of the Notice of Motion, including the costs order made by us.

The grounds on which the application is brought are set out
5 fully in the application for leave to appeal dated 21 April 2011.
The application is opposed.

It is trite that the test in determining whether leave to appeal
should be granted is two-fold, firstly, whether or not there is a
10 reasonable prospect of the appeal succeeding and, secondly,
whether or not the case is of substantial importance to the
parties involved.

Although I am satisfied that our judgment is correct, the matter
15 is of such a nature that I do not believe that the prospect of
another court coming to a different conclusion, can be
excluded.

In addition, it is clear that the matter is of extreme importance
20 to both parties and even to other parties who may be involved
extradition proceedings. It can also be said that the general
public has an interest in the outcome of the matter. In these
circumstances, I believe that the application should be
granted.

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In the result the applicant is granted leave to appeal to the Supreme Court of Appeal against that part of our judgment handed down on 14 April 2011, which relates to the order dismissing the relief which was sought in terms of paragraphs 6.1 to 6.5 of applicant's Notice of Motion as well as the costs order made by us. The costs of the application for leave to appeal, are to be costs in the appeal.

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FOURIE, J

YESIKO, J: I agree.

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YEKISO, J