

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
COMMERCIAL COURT**

CASE NO: 48438/2011

(1)	NOT REPORTABLE
(2)	NOT OF INTEREST TO OTHER JUDGES

In the matter between:

SHENAAZ VE DE VILLIERS

Applicant/ Plaintiff

and

ZAAIBOONISHA JONES

First Respondent/ First Defendant

REGISTRAR OF DEEDS

Second Respondent/ Second Defendant

**JUDGMENT IN THE APPLICATION FOR LEAVE TO
APPEAL**

MODIBA J:

[1] The applicant, who was the plaintiff in the action (De Villiers), has applied for leave to appeal the judgment and order that I handed down on 18 May 2020. The First Respondent, who was the First Defendant in the action (Jones), is the only respondent opposing the application.

[2] De Villiers relies on section 17(1)(a)(i) of the Superior Courts Act 10 of 2013. It provides:

“(1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that-
(a) (i) the appeal would have a reasonable prospect of success;”

[3] It has become trite that this provision only allows leave to appeal to be granted where the applicant establishes that another court would arrive at different findings and order from that rendered in the judgment appealed against.¹

[4] De Villiers has set out her grounds of appeal in detail. Jones contends that there are no prospects that another court would come to a different conclusion on these issues.

[5] I have considered the grounds for appeal as set out in De Villiers' notice of appeal as well as submissions by counsel for the parties. I stand by my reasons for judgment as set out in the judgment handed down in this matter.

[6] I find that De Villiers fails to meet the threshold referred to above.

¹ *The Mont Chevaux Trust v Tina Goosen & 18 Others* 2014 JDR 2325 (LCC) at para [6].

[7] In the premises, the following order is made:

ORDER

1. The application for leave to appeal is dismissed with costs, which costs shall include the costs of two counsel where so employed.



MS L T MODIBA
JUDGE OF THE HIGH COURT

APPEARANCES:

Counsel for the Plaintiff:	Advocate P Springveldt
Instructed by:	G.W. Mashele Attorneys
Counsel for the First Defendant:	Advocate EL Theron SC
	Advocate T Steyn
Instructed by:	Klopper Jonker Inc.
Date of Judgment:	25 June 2020