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

CASE NO: 29564/2019

NOT REPORTABLE

NOT OF INTEREST TO OTHER JUDGES

REVISED

04/08/23

In the matter between:

B, I K

APPELLANT/PLAINTIFF

And

B, C A

RESPONDENT/DEFENDANT

JUDGMENT

Delivered: This judgment and order was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the order is deemed to be the 4th of August 2023.

TWALA J

- [1] This is an application for leave to appeal the judgment and order of this Court handed down on the 6th of May 2023 dismissing the appellant's claim and granting the respondent the relief she sought in terms of her counter claim.
- [2] It is a trite principle of our law that leave to appeal may only be given where the Judge or Judges concerned are of the opinion that the appeal would have a reasonable prospect of success or where there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration. (*See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013*).
- [3] The grounds for the leave to appeal are succinctly stated in the notice of application for leave to appeal and I do not intend to restate them in this judgment. Furthermore, I would like to extend my gratitude and appreciation to both counsel for the submissions made in their heads of argument and at the hearing of this application.

[4] I am of the view that I have considered all the issues raised in this application for leave to appeal in my judgment. I am therefore not persuaded that another Court may come to a different conclusion in this case. Put in another way, I am of the considered view that there are no reasonable prospects of success in this appeal. Therefore, the application for leave to appeal falls to be dismissed.

[5] In the circumstances, I make the following order:

1. The application for leave to appeal is dismissed with costs.

TWALA M L

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION

Date of Hearing: 2nd of August 2023

Date of Judgment: 4th of August 2023

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