

**REPUBLIC OF SOUTH AFRICA**



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

Case Number: 031223/2023

- (1) REPORTABLE: NO  
(2) OF INTEREST TO OTHER JUDGES: NO  
(3) REVISED: YES

09 May 2025

DATE

SIGNATURE

In the matter between:

**MC LEX INVESTMENTS NO 9 CC**

**APPLICANT**

and

**SECUNDUS EUSEBIUS SCRIBANTE  
VAN ASWEGEN**

**FIRST RESPONDENT**

**JAPIE VOSTER SC N.O.**

**SECOND RESPONDENT**

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## JUDGMENT

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TWALA, J

- [1] For the sake of convenience I propose to refer to the parties herein as they were referred to in the main application. Furthermore, this Court directed that this case be determined on the papers without an oral hearing, as provided for in the Gauteng Division Consolidated Directives; re Court Operations during the National State of Disaster issued by the Judge President of this Division on the 18<sup>th</sup> of September 2020.
- [2] The applicant brought this application for leave to appeal against the whole of the judgment and order of this Court handed down electronically on 19 March 2025. The application is opposed by the respondents.
- [3] At the outset, I would like to express my gratitude to counsel for the parties for the concise heads of argument and submissions made therein which have been helpful in determining the issues in this application.
- [4] 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.<sup>1</sup>
- [5] 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 repeat them in this judgment.

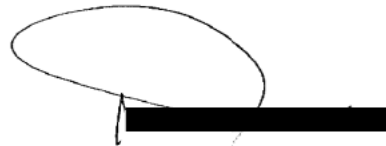
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<sup>1</sup> See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013.

[6] I am satisfied that I have covered and considered all the issues raised in the application for leave to appeal in my judgment. I am therefore not persuaded by the applicant that there are reasonable prospects of success in this appeal. Put differently, I am of the view that there is no prospect that another Court would come to a different conclusion in this case. Therefore, the application for leave to appeal the judgment falls to be dismissed.

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

The application for leave to appeal is dismissed with costs.



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**TWALA M L**

**Judge of the High Court of South Africa**

**Gauteng Local Division, Johannesburg**

**Date of Hearing:**

**Determined on the papers**

**Date of Judgment:**

**09 May 2025**

**For the Applicants:**

**Advocate LGF Putter SC**

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**For the First Respondent:**

Advocate MP van der Merwe SC

**Instructed by:**

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**Delivered:** This judgment and order was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the 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 09 May 2025.