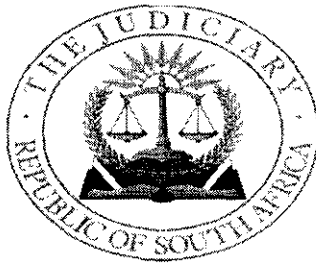


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 54704/2013

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

14/3/2017


SIGNATURE

14.03.2017
DATE

In the matter between:

JOHANNES VAN DEN HEEVER

Applicant

(In the application for leave to appeal)

and

LOUIS MARIUS TALJAARD N.O

1st Respondent

CHEBO CHAZA N.O

2nd Respondent

JUDGMENT: Application for leave to appeal

AC BASSON, J

- [1] The applicant brought an application for leave to appeal to the Supreme Court of Appeal against the judgment and order granted by this court on 12 December 2016.
- [2] I have considered the grounds for leave to appeal and I am persuaded that an appeal would have reasonable prospects of success. I am likewise of the view that leave should be granted to the Supreme Court of Appeal in light of the questions of law pertinently raised in the judgment.
- [3] The respondents attempted to move a counter-application for leave to appeal from the bar in respect of a costs order granted in paragraph [55] of the judgment. In light of the fact that there is no proper counter-application I have declined to consider such an application.
- [4] In the event the following order is made:
1. Leave to appeal to the Supreme Court of Appeal is granted.
 2. Costs to be costs in the appeal.

A handwritten signature in black ink, appearing to read 'AC Basson', is written over a horizontal line.**AC BASSON****JUDGE OF THE HIGH COURT**

Appearances:

For the applicant : BC Stoop
Instructed by : Kampherbreek Twine & Pogrund
c/o Bernhard van der Hoven
Attorneys

For the respondents : MP Van der Merwe (SC)
Instructed by : Bosman Attorneys