

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case Number: 67069/2015

In the matter of:

JACOBUS CLAASSENS

Plaintiff/Applicant

vs

ENGELA SWART

Defendant/ Respondent

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

BAM, J

1. The plaintiff/applicant issued summons against the defendant/respondent claiming damages of R500 000, 00 for defamation. During the trial the amount claimed was amended and decreased to R50 000, 00. Eventually I found that the defamation was nothing but a storm in a teacup and awarded the plaintiff damages in the amount of R2000, 00. In respect of costs I made an order that applicant/plaintiff should pay part of defendant/respondent's costs.
2. As a result of the amount of damages awarded to the plaintiff/applicant being lower than the amount tendered before the trial, the defendant/respondent then applied for an order in terms of the provisions of Rule 34(12) for a reconsideration of the costs and an order that the plaintiff/applicant should pay all the costs incurred by the defendant/respondent. The application was successful.
3. The applicant/plaintiff now applies for leave to appeal to the full bench of this division against the order concerning the award of R2000, 00, as well as the order in respect of the Rule 34(12) application.
4. After having reconsidered my judgments in respect of both issues, (I do not deem it expedient to repeat the contents thereof), and the submissions made by counsel, I am of the view that no reasonable prospects of success on appeal exists.

Order:

The application for leave to appeal is dismissed with costs.


A J BAM

JUDGE OF THE HIGH COURT

23 October 2017