

SOUTH AFRICA / JUDGMENT

ABSA Bank Limited v Howell and Others (16168/17) [2024] ZAGPJHC 739 (2 August 2024) [2024] ZAGPJHC 739

COURT

South Gauteng High Court, Johannesburg

BEFORE

GC Wright

CASE / FILE NUMBER

16168/17

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 16168/17

1.Reportable: No

2. Of interest to other judges: No

3.Revised:

2 August 2024

In the matter between:

ABSA BANK LIMITED Applicant and HOWELL, PHILLIP MARSHALL First Respondent HOWELL,
NOELENE JANE Second Respondent SHERIFF OF THE HIGH COURT – ROODERPOORT NORTH
Third Respondent CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY Forth Respondent

JUDGMENT – APPLICATION FOR LEAVE TO APPEAL

WRIGHT J

1. Mr and Ms Howell, the 1st and 2nd respondents in the main application, seek leave to appeal my order of 3 June 2024.
2. Absa then had sought and been granted a reduction in the reserve price at which the Howell's house could be auctioned by the sheriff in satisfaction of a judgment granted some seven years ago.

3. It bears mention that the Howells have lived in the house in question for over seven years without paying anything towards the bond. They owe the municipality more than a third of the value of the property in municipal charges. In the main application they chose to tell the court nothing about their financial circumstances.
4. The Howells have no reasonable prospect on appeal and there is no compelling reason to grant leave. In my view, party and party costs on scale A suffice in this application.

ORDER

1. The application is dismissed.
2. Mr and Ms Howell are jointly and severally to pay Absa's costs.

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 2 August 2024

DELIVERED : 2 August 2024

APPEARANCES:

Absa Adv M Msomi 082 229 4363 Instructed by Lowndes Dlamini Attorneys Mr and Ms Howell
Adv LL Makoko Instructed By Att Gary Segal

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Prepared on 14 October 2026 · Esheria