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SOUTH AFRICA / JUDGMENT

## Gopane and Another v Firststrand Bank Limited (49663/2009) [2020] ZAGPJHC 321 (8 September 2020)

[2020] ZAGPJHC 321

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COURT

South Gauteng High Court, Johannesburg

BEFORE

H M Vally

CASE / FILE NUMBER

49663/2009

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 49663/2009

In the matter between:

GOPANE, MOGAPI GEORGE

First Applicant

GOPANE, VERONICA THANDEKILE

Second Applicant

and

FIRSTRAND BANK LIMITED

Respondent

JUDGMENT ON LEAVE TO APPEAL

VALLY AJ:

1. This is an application for leave to appeal in which the Applicants attempt to make out submissions of fact as their grounds of appeal.

2. The Applicants' submissions are that; the Respondent failed to comply with Section 129(1) of the National Credit Act No. 34 of 2005, the summons was not served on them, the Applicants had settled their indebtedness to the Respondent at the time that judgment was granted against them and that orders declaring properties specifically executable were unconstitutional.
3. Section 17(1) of the Superior Courts Act No. 10 of 2013 deals with the circumstances under which leave to appeal may be granted; that the appeal would have a reasonable prospect of success or there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration or where the decision sought to be appealed does not dispose of all the issues in the case or the appeal would lead to a just and prompt resolution of the real issues between the parties.
4. That being said, grounds of appeal are intended to challenge the court's findings of fact or conclusions of law. The Applicants have done neither. Instead, the Applicants repeat their submissions made in the application for rescission. The Applicants' submissions have been addressed in the judgment and there is no reason to revisit them.
5. The Applicants' submissions do not satisfy the requirements of Section 17(1) of the Superior Courts Act for granting leave to appeal.
6. In the premises, the application for leave to appeal is dismissed with costs.

Order

7. In the premise, I make the following order:

7.1 The application for leave to appeal is dismissed.

7.2 The Applicants are to pay the Respondent's costs.

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H M VALLY

ACTING JUDGE OF THE HIGH COURT

GAUTENG LOCAL DIVISION, JOHANNESBURG

Date of hearing: 24 January 2020

Date of judgment: 08 September 2020

APPEARANCES

For the Applicants

Instructed by: Legal Aid South Africa

For the Respondent

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Instructed by: Hammond Pole Attorneys

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