

SOUTH AFRICA / JUDGMENT

Jennings v Cotterel N.O and Others (5091/2017) [2019] ZAECHGC 129 (17 December 2019) [2019] ZAECHGC 129

COURT

Eastern Cape High Court, Grahamstown

BEFORE

J.E Smith

CASE / FILE NUMBER

5091/2017

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IN THE HIGH COURT OF SOUTH AFRICA

(EASTERN CAPE DIVISION, GRAHAMSTOWN)

CASE NO.: 5091/2017

In the matter between:

THABO JENNINGS

APPLICANT

And

COTTEREL N.O.

FIRST RESPONDENT

RUSSEL IAN GRIGG N.O.

SECOND RESPONDENT

ANITA BHIKA N.O.

THIRD RESPONDENT

JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

SMITH J:

- [1] The applicant, who was the respondent in the main application, seeks leave to appeal against my judgment delivered on 24 October 2019.

[2] The application is based on various grounds which I do not intend to traverse here. Suffice it to say that the main thrust of the applicant's criticism against my findings is that I have erred in holding that the averments put up by him did not raise bona fide disputes of fact.

[3] I have given extensive reasons in my judgment for that finding and do not intend to repeat them. Suffice it to say that the applicant's assertions regarding payment and passing of ownership were wholly insufficient to defeat the respondents' claim based on the rei vindicatio. The allegations put up by him also did not raise any genuine and bona fide disputes regarding the core issue which fell for decision;

namely whether the respondents had established all the requisites for vindicatory relief on a balance of probabilities.

[4] I do not believe that there are any prospects of another court finding differently. In the result the following order

issues:

The application for leave to appeal is dismissed with costs.

J.E SMITH

JUDGE OF THE HIGH COURT

Appearances

Counsel for the Applicant

: Adv. Miller

Attorneys for the Applicant

: Netteltons Attorneys

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Counsel for the Respondents : Adv. Watt

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Date Heard

: 12/12/2019

Date Delivered

: 17/12/2019

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/jennings-v-cotterel-no-and-others-unknown-topic-aecghc-2019--6a3ea5163b1caa912980d2d5>

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