

SOUTH AFRICA / JUDGMENT

Kgosiemang v MEC for the Department of Health, North-West Province (308/2011) [2013] ZANWHC 40 (19 April 2013)

[2013] ZANWHC 40

COURT

North West High Court, Mafikeng

BEFORE

A A Landman

CASE / FILE NUMBER

308/2011

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IN THE NORTH WEST HIGH COURT

(MAFIKENG)

CASE NO.: 308/2011

In the matter between:

GALALETsang URSULA KGOSIEMANGAPPLICANT/PLAINTFF

and

MEC FOR THE DEPARTMENT OF HEALTH

NORTH WEST PROVINCERESPONDENT/DEFENDANT

REASONS FOR JUDGMENT ON LEAVE TO APPEAL AND CROSS-APPEAL

LANDMAN J:

- [1] The applicant (plaintiff in the trial) applies for leave to appeal against certain parts of my judgment in the abovementioned matter delivered on 14 February 2013. The application is opposed.
- [2] The respondent (the defendant in the trial) has in turn filed a notice for leave to cross-appeal against part of my judgment. This application for leave to appeal is opposed.
- [3] Leave to appeal should be granted where:
 - (a) there is a reasonable prospect of the appeal succeeding;

- (b) if the case is of substantial importance to the applicant or to the respondent;
 - (c) if it is in the interests of justice to grant leave to appeal.
- [4] In order to arrive at the factual findings which I made I was required to make a great number of decisions on sub-issues. I cannot say as regards the application for leave to appeal and the application to cross-appeal that another court could not reasonably come to a different conclusion. The matter is of considerable importance to both parties and it would be in the interests of justice to grant the relief sought in these applications.
- [5] In the result:
1. The applicant is granted leave to appeal against my judgment dated 14 February 2013 on the grounds listed as A, B and C in the notice of application.
 2. The respondent is granted leave to appeal to cross-appeal against my judgment on the grounds set out in paragraph 1 of its application for leave to appeal.
 3. The leave to appeal and to cross-appeal is granted to the Full Bench of this Court.
 4. The costs of the application to appeal and the application to cross-appeal are to be costs in the appeal.
 5. In view of the deterioration of the health of the young applicant the Registrar is requested to give priority to the enrolment of this appeal.

A A LANDMAN

JUDGE OF THE HIGH COURT

APPEARANCES:

date of hearing : 19 April 2013

date of judgment : 19 April 2013

date of reasons : 25 April 2013

for the applicant : adv j h f pistor sc

for the respondent : dr senatle

attorneys for applicant : motlhabani attorneys

attorneys for respondent : state attorney

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