

SOUTH AFRICA / JUDGMENT

Khoza v First Rand Bank Limited: In re: First Rand Bank Limited v Khoza (21311/2017) [2022] ZAGPJHC 797 (12 October 2022)

[2022] ZAGPJHC 797

COURT

South Gauteng High Court, Johannesburg

BEFORE

Sutherland DJP

CASE / FILE NUMBER

21311/2017

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REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, JOHANNESBURG)

CASE NUMBER: 21311/2017

REPORTABLE: NO

OF INTEREST TO OTHER JUDGES: NO

2022/10/12

In the matters between:

GIVEN KHOZA

Applicant

and

FIRST RAND BANK LIMITED Respondent

In re:

FIRST RAND BANK LIMITED

Plaintiff

GIVEN KHOZA

Defendant

This judgment has been delivered by being uploaded to the caselines profile on 12 October 2022 at 10h00 and communicated to the parties by email.

APPLICATION FOR LEAVE TO APPEAL JUDGMENT

Sutherland DJP

Introduction

- [1] This an application for leave to appeal against an order made by Tsoka J on 1 February 2018. The matter was heard in the unopposed motion court and an order was given without reasons, as is the practice in that court. Eleven months elapsed and on 29 November 2019, a notice of application for leave to appeal was lodged by the defendant against whom the order had been made. After that date the defendant had made no attempts whatsoever to prosecute the application for leave to appeal.
- [2] On 5 October 2022, notice of this hearing at the instance of the plaintiff was made and the matter comes before me on 12 October 2022. It is plain from the bare bones of the application for leave to appeal that no hint is given as to what grounds might be relied upon to support the application, and to that extent, it is problematic, even on a generous interpretation, that rule 49 of the rules of court have been complied with.
- [3] In any event for reason of non-prosecution, the application itself deserves to be dismissed. The relief which is sought in terms of the draft order, is that the application for leave to appeal be dismissed and that Mr Khoza, the applicant for the application for leave to appeal should pay the costs of this application. This seems to be

wholly appropriate.

- [4] In this circumstances:

- (1) The order is made in terms of the draft order dated 12 October 2022, attached hereto.

Heard:

12 October 2022

Judgment:

12 October 2022

The Applicants were represented by: Adv Raymond Peterson

Instructed by:

Glover Kannieappan Incorporated

There was no appearance on behalf of the respondent.

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Prepared on 13 October 2026 · Esheria