

SOUTH AFRICA / JUDGMENT

Louwen v MEC For The Department of Health Gauteng (35801/19) [2022] ZAGPPHC 840 (19 October 2022) [2022] ZAGPPHC 840

COURT

North Gauteng High Court, Pretoria

BEFORE

Francis-Subbiah

CASE / FILE NUMBER

35801/19

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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No 35801/19

REPORTABLE: YES/NO

OF INTEREST TO OTHER JUDGES: YES/NO

REVISED

19 OCTOBER 2022

In the matter between:

NHLABATHI SAMUKELISIWE LOUWEN PLAINTIFF

and

MEC FOR THE DEPARTMENT OF HEALTH

GAUTENG DEFENDANT

LEAVE TO APPEAL

FRANCIS-SUBBIAH, AJ:

[1] The applicant/defendant seeks leave to appeal against the entire judgment and order delivered on 22 July 2022 in this matter.

[2] The respondent/plaintiff opposes the application for leave to appeal.

- [3] In considering a leave to appeal there must be reasonable prospects that another court may come to a different conclusion.
- [4] The respondent opposed this application on the basis that I had not erred in the findings and that there are no prospects that another court may come to a different conclusion.
- [5] Having read the papers and having heard counsel I had considered the issues raised by the applicant in this leave to appeal in coming to a decision on the trial matter. I have dealt in depth with many of the issues raised in the application in my judgment.
- [6] I am of the view that there are reasonable prospects that another court may come to a different conclusion. Leave to appeal should therefore be granted to the Full Court of the Gauteng Division.

[7] Accordingly the following order is made:

7.1 Leave to appeal to the Full Court of the Gauteng Division is hereby granted.

7.2 The costs of this application are to be costs in the appeal.

FRANCIS-SUBBIAH, AJ

ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION

PRETORIA

Counsel for the Applican/Defendant: Adv N Manaka

Instructed by:

State

Attorney

Counsel for the Respondent/ Plaintiff: Adv

NGD Maritz SC

Instructed by:

Joseph's

Inc

Date of Hearing: 13

October 2022

Date of Judgment: 19

October 2022

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Prepared on 9 October 2026 · Esheria