

SOUTH AFRICA / JUDGMENT

## Louwsrivier Plase (Pty) Ltd and Another v Van der Vendt and Others; In Re: Van der Vendt and Another v Louwsrivier Plase (Pty) Ltd and Others (LCC105/2011) [2020] ZALCC 6 (23 June 2020)

[2020] ZALCC 6

COURT

Land Claims Court

BEFORE

E Bertelsmann

CASE / FILE NUMBER

LCC105/2011

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### Source record

=IN THE LAND CLAIMS COURT OF SOUTH AFRICA

HELD

AT RANDBURG

Case

Number: LCC105/2011

Delivered

on: 23 June 2020

In the matter between:

LOUWSRIVIER  
PLASE (PTY)  
LTD First  
Applicant  
J D  
KIRSTEN (PTY)  
LTD Second  
Applicant  
and  
ERIC  
VAN DER  
VENDT First  
Respondent  
EDWINA  
VAN DER  
VENDT Second  
Respondent  
DRAKENSTEIN  
MUNICIPALITY Third  
Respondent

In  
re;  
In the

leave to appeal  
application between:

ERIC  
VAN DER  
VENDT First  
Applicant  
EDWINA  
VAN DER  
VENDT Second  
Applicant  
LOUWSRIVIER  
PLASE (PTY) LTD First  
Respondent  
JD  
KIRSTEN (PTY)  
LTD Second  
Respondent  
DEPARTMENT  
OF RURAL DEVELOPMENT AND  
LAND  
REFORM Fourth  
Respondent

## JUDGMENT

### ON THE APPLICATION FOR LEAVE TO APPEAL

BERTELSMANN J

## INTRODUCTION

- [1] Judgment was handed down in this matter, an ESTA application, on 10 December 2014.
- [2] The judgment was amended almost four years later, on 30 November 2018, the substituted order being made by agreement between the first, second and third respondents, without the present appellants offering any opposition thereto.
- [3] On the 12th March 2020 an application for leave to appeal to the Supreme Court of Appeal was received by the Registrar of this Court, seeking leave to appeal against both the first judgment (which included an order for the applicants' eviction), and the amended judgment, on a variety of grounds.
- [4] I underline that the application was received on 12 March 2020, the application itself is undated. The respondents did not oppose the application. I should add immediately that there is no proof of service of the application upon the respondents' legal

representatives, although they may have been informed by email that leave would be sought.

- [5] This application was patently out of time. In terms of Rule 69 (1) (b) of the Rules of this Court an intending appellant must apply for leave to appeal within 15 days after the delivery of the judgment sought to be appealed against.
- [6] In the present instance the application was filed more than sixteen months after the amended judgment was delivered; and four years and almost four months after the first judgment was handed down. No application for condonation, explaining the extraordinary delay in applying for leave to appeal, was presented to the Court.
- [7] The date for hearing of the appeal was determined as 4 June 2020. Long heads of argument were filed, ranging wide and far, but no application for condonation and no other explanation for the delay accompanied the heads.
- [8] The court instructed the Registrar to address a letter to the applicants' attorney of record requesting reasons to be supplied within ten days from 4 June 2020 why the application should not be struck off the roll or dismissed. No reaction was received to this letter, not even an acknowledgement of receipt.
- [9] This matter has been dragging on for many years, as is evident from the case number. To prolong the process would be against the interests of justice, which demand finality to litigation.
- [10] The application for leave to appeal is dismissed. The applicants are indigent. There will be no costs order.

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E BERTELSMANN

Judge of the Land Claims Court

APPEARANCES

For the Applicants:

Duncan E Korabie

DUNCAN KORABIE ATTORNEYS

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**CASE PAGE**              <https://chat.esheria.ai/case-law/south-africa/louwsrivier-plase-pty-ltd-and-another-v-van-unknown-topic-alcc-2020>

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