

SOUTH AFRICA / JUDGMENT

Mafungo v Keele (Leave to Appeal) (1930/2021) [2024] ZAGPPHC 773 (7 August 2024) [2024] ZAGPPHC 773

COURT

North Gauteng High Court, Pretoria

BEFORE

E van der Schyff

CASE / FILE NUMBER

1930/2021

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO.: 1930/2021

- (1) REPORTABLE: YES/NO
- (2) OF INTEREST TO OTHER JUDGES: NO
- (3) REVISED: NO

Date: 7 August 2024

E van der Schyff

In the matter between:

Kalipa Kagiso Mangaliso Mafungo

Applicant

and

Dr. Mothobi Godfrey Keele

Respondent

In re:

Dr. Mothobi Godfrey Keele

Applicant

Legal Practice Council

First Respondent

Kalipa Kagiso Mangaliso Mafungo

Second Respondent

Sheriff Pretoria Central

Third respondent

JUDGMENT: Application for Leave to Appeal

Van der Schyff J

Introduction

- [1] The applicant, Mr. Mafungo, applies for leave to appeal the judgment and order handed down by me on 2 August 2024.
- [2] The notice of the application for leave to appeal stipulates the ground for the appeal. Mr. Mafungo filed heads of argument elaborating on the grounds stipulated in the notice.
- [3] The first ground of appeal is that I erred in fact and in law in finding that the notice of appeal filed on 11 September 2023 suspended the operation and execution of the order handed down by Sardiwalla J on 7 September
2022. Mr. Mafungo clarified this ground of appeal by qualifying in the heads of argument “specifically in relation to the taxation of the 29th of November 2023.”
- [4] After an initial misunderstanding, I pointed out to Mr. Mafungo that I never found that the application for leave to appeal, filed by Dr. Keele against the judgment handed down by Sardiwala J, affected the right to have the bill of costs taxed. In paragraph 6 of the judgment, I stated:
- ‘Whether there is merit in the contention that it is irregular to set down a taxation while an application for leave to appeal is pending is beside the point.’
- [5] As for the contention that the execution and operation of Sardiwala J’s judgment and order were not suspended by the filing of an application for leave to appeal, such contention is wrong. Sardiwala J’s judgment and order was not an interlocutory order, it was a final order, and section 18(1) of the Superior Courts Act 10 of 2013 applies. But, as I stated, this is beside the point.
- [6] I have considered the remainder of the grounds of appeal raised by Mr. Mafungo, and I am of the opinion that the jurisdictional requirements to succeed with an application for leave to appeal have not been met. The application stands to be dismissed.

ORDER

In the result, the following order is granted:

1. The application for leave to appeal is dismissed with costs.

Judge of the High Court

Delivered: This judgment is handed down electronically by uploading it to the electronic file of this matter on CaseLines.

For the applicant: Mr. K. Mafungo Instructed by: Mafungo Attorneys For the respondent: In person Date of the hearing: 7 August 2024 Date of judgment: 7 August 2024

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPPHC/2024/773.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/mafungo-v-keele-unknown-topic-agpphc-2024>

Prepared on 10 October 2026 · Esheria