

SOUTH AFRICA / JUDGMENT

Modupe v Legal Practice Council (2023/121159) [2024] ZAGPJHC 934 (20 September 2024)

[2024] ZAGPJHC 934

COURT

South Gauteng High Court, Johannesburg

BEFORE

Sutherland, Modiba

CASE / FILE NUMBER

2023/121159

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REPUBLIC

OF SOUTH AFRICA

IN

THE HIGH COURT OF SOUTH AFRICA

GAUTENG

LOCAL DIVISION, JOHANNESBURG

Case

Number: 2023-121159

1.

REPORTABLE: NO

2.

OF INTEREST TO OTHER JUDGES: NO

3.

REVISED: NO

20 September 2024

In

the matter between:

In

the application of:

MODUPE-OLUWA-JACK

MODUPE

APPLICANT

and

LEGAL

PRACTICE COUNCIL

RESPONDENT

Coram:	Sutherland DJP, Modiba J
Heard:	19 September 2024
Delivered:	20 September 2024 – This judgment was handed down electronically by circulation to the parties' representatives via email, by publication on the website of the Supreme Court of Appeal and by release to SAFLII. The date and time for hand-down is deemed to be 11:00.
Summary:	Application for leave to appeal - whether there are prospects of success - application dismissed.

JUDGMENT

MODIBA J (Sutherland DJP concurring)

[1] Relying on section 16(1)(a)(ii) read with section 17(2)(a) of the Superior Court's Act,[1] Modupe-Oluwa-Jack Modupe as applicant in both the main application and this application, seeks leave to appeal this court's

judgment and order of 27 August 2024, dismissing his application for admission as a legal practitioner with punitive costs. The Legal Practice Council (LPC) as the intervening party in the main application and a respondent in this application is opposing the application for leave to appeal.

[2] I have considered the grounds for appeal as set out in Mr Modupe's application for leave to appeal, his written and oral submissions as well as oral submissions by the attorney for the LPC. I find that none of the grounds of appeal relied on by Mr Modupe will yield a different outcome in the contemplated appeal proceedings.

[3] In the premises, the application stands to be dismissed with costs. For the same reasons set out in the impugned judgment, the LPC should not be out pocketed by this application.

[4] I therefore make the following order:

Order

The application is dismissed with costs on the attorney and client scale.

MODIBA J

JUDGE OF THE HIGH COURT,

JOHANNESBURG

The Applicant: For the Respondent: Date of hearing: Date of judgment: Modupe-Oluwa-Jack Modupe (in person) D Bekker, Fourie Fismer Incorporated 19 September 2024 20 September 2024

Mode of delivery: This judgment is handed down virtually on the MS Teams platform and transmitted to the parties' legal representatives by email, uploading on CaseLines and release to SAFLLI. The date and time for delivery is deemed to be 10 am.

[1] Act 10 of 2013

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Prepared on 12 October 2026 · Esheria