

SOUTH AFRICA / JUDGMENT

Motseo and Another v Monama N.O and Others (Leave to Appeal) (38707/2020) [2024] ZAGPPHC 1124 (8 November 2024) [2024] ZAGPPHC 1124

COURT
North Gauteng High Court, Pretoria

BEFORE
S Baqwa

CASE / FILE NUMBER
38707/2020

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REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE Number: 38707/2020

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

2024

In the matters between: -

AB STEPHEN PHETEDI MOTSEO

FIRST APPLICANT

ROSSIE THLAISHEGO MOTSEO

SECOND APPLICANT

and

LUCY MAKHADA MONAMA N.O.

FIRST RESPONDENT

LUCY MAKHADA MONAMA SECOND RESPONDENT

NEDBANK LTD

THIRD RESPONDENT

REGISTRAR OF DEEDS

FOURTH RESPONDENT

CITY OF TSHWANE METROPOLITAN

MUNICIPALITY

FIFTH RESPONDENT

JUDGMENT

(APPLICATION FOR LEAVE TO APPEAL)

BAQWA, J

Introduction

[1] The applicants seek leave to appeal against the judgment of this court handed down on 27 May 2024.

[2] The grounds for leave to appeal have been fully ventilated in both parties heads of argument.

[3] Section 17 (1) of The Superior Courts Act (“the Act”) provides that leave to appeal may only be granted where the judge or judges concerned are of the opinion that;

“(a)

(i) The appeal would have a reasonable prospect of success; or

(ii) There is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.”

[4] After considering all the submissions, I am satisfied that the applicants have satisfied the requirements of section 17 (1)

(a) of the Act regarding the prospects of success on appeal.

[5] Accordingly, the application for leave to appeal is granted to the full court of appeal of the Gauteng Division. Costs are costs in the appeal.

SELBY BAQWA

JUDGE OF THE HIGH COURT

Date of hearing: 08 November 2024

Date of judgment: 08 November 2024

Appearance

On behalf of the Applicants Adv J Delport delport@clubadvocates.co.za On behalf of the Respondents Adv RS Mafuyeka sipho@mafuyeka.co.za

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Prepared on 9 October 2026 · Esheria