
SOUTH AFRICA / JUDGMENT

Speelman and Another v Absa Bank Limited and Others (4120/2016) [2017] ZAECHGHC 136 (7 September 2017) [2017] ZAECHGHC 136

COURT

Eastern Cape High Court, Grahamstown

BEFORE

G H Bloem

CASE / FILE NUMBER

4120/2016

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IN THE HIGH COURT OF SOUTH AFRICA

EASTERN CAPE DIVISION, GRAHAMSTOWN

CASE NO. 4120/2016

In the matter between:

NOXOLO FANISWA SPEELMAN

First Applicant

NOXOLO FANISWA SPEELMAN N.O

Second Applicant

and

ABSA BANK LIMITED

First Respondent

MICHAEL JAMES FREEGARD

Second Respondent

MASTER OF THE HIGH COURT, BISHO

Third Respondent

THE SHERIFF KING WILLIAMS TOWN

Fourth Respondent

REGISTRAR OF DEEDS, EASTERN CAPE

Fifth Respondent

JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL

Bloem J.

- [1] On 26 February 2015 I granted an order in favour of the first respondent against the applicant, in her personal and representative capacities, for payment of the sums of R948 647.80 and R35 389.17, interest thereon and costs of suit. I also declared a certain immovable property specially executable and authorised and directed the sheriff, in terms of section 30 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), to sell the immovable property.
- [2] On 18 August 2016 the applicant launched an application for the rescission of the above order. She also made an application for condonation of the late filing of the application for the rescission of the above order. On 11 July 2017 I dismissed both applications with costs. The applicant now seeks leave to appeal against the dismissal of those applications.
- [3] In her application for leave to appeal the applicant relied on fifteen grounds of appeal. It will serve no purpose to deal with each one of them because, to do so, I would be repeating the reasons for the judgment against which leave to appeal is sought. I have considered all those grounds and am of the opinion that an appeal would have no reasonable prospects of success because none of the grounds relied upon by the applicant has merit.
- [4] In the result, the application for leave to appeal is dismissed with costs.

G H BLOEM

Judge of the High Court

For the applicant:

Adv Z B Ncalo, instructed by Mili Attorneys, Grahamstown

For the first respondent:

Adv C van der Merwe, instructed by Netteltons, Grahamstown

For the second respondent: Adv K L Watt, instructed by Netteltons, Grahamstown

Date of hearing:

5 September 2017

Date of delivery of the judgment: 7 September 2017

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