

SOUTH AFRICA / JUDGMENT

Otto Waste Systems (Pty) Limited v Pikitup Johannesburg (SOC) Limited and Others

(2013/21677) [2014] ZAGPJHC 170 (10 June 2014)

[2014] ZAGPJHC 170

COURT

South Gauteng High Court, Johannesburg

BEFORE

Wright

CASE / FILE NUMBER

2013/21677

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

Source record

REPUBLIC OF SOUTH
AFRICA
IN THE HIGH COURT
OF SOUTH AFRICA,
GAUTENG LOCAL
DIVISION,
JOHANNESBURG
CASE
NO: 2013/21677

DATE: 10 JUNE 2014
In the matter

between: OTTO WASTE
SYSTEMS (PTY)
LIMITED.....APPLICANT
And
PIKITUP
JOHANNESBURG (SOC)
LIMITED.....1ST
RESPONDENT
THE CHAIRPERSON
OF THE BID ADJUDICATION
COMMITTEE.....2ND
RESPONDENT
PHAMBILI SERVICES
(PTY) LIMITED.....3RD
RESPONDENT

JUDGMENT

-

APPLICATION FOR LEAVE TO APPEAL**WRIGHT J**

1. The applicant seeks leave to appeal the second part of my judgment, namely that part dealing with a just and equitable remedy, delivered on 26 May 2014.
2. With the provisions of Section 17(1)(a)(i) of the Superior Courts Act 10 of 2013 in mind, I am of the view the applicant has a reasonable prospect of success on appeal.
3. Under Section 17(6)(a), I am of the view that the appeal should not be heard by the SCA.
4. Under Section 6(4)(a), if a Division has one or more local seats, the main seat of that Division has concurrent appeal jurisdiction over the area of jurisdiction of any local seat of that Division, and the Judge President of the Division may direct that an appeal against a decision of a single Judge or of a Magistrates' Court within that area of jurisdiction may be heard at the main seat of the Division.
5. Under Section 6(1)(c) the main seat of the Gauteng Division is in Pretoria.
6. Under Section 50(1)(l) the South Gauteng High Court, Johannesburg becomes a local seat of the Gauteng Division.
7. Rule 49(5) of the Uniform Rules provides, among other things, that "In the case of an appeal against the judgment or order of the court of the Witwatersrand Local Division, the judge president of the Transvaal Provincial Division shall determine whether the appeal should be heard by the full court of the said local division."
8. In my view this part of Rule 49(5) is not inconsistent with the provisions of the Superior Courts Act and accordingly remains in force. See Section 51 of the Act.
9. I have spoken with Judge President Mlambo about these kinds of matters although not about this case in particular. His view is that as a rule appeals such as the present appeal should be heard by the South Gauteng High Court in Johannesburg.

Order

1. The applicant is granted leave to appeal the whole of my judgment and order dealing with a just and equitable remedy.
2. The appeal is to be heard by the full court of the South Gauteng High Court, Johannesburg.
3. The costs of this application are to be in the appeal.

JUDGE OF THE HIGH COURT

On behalf of the Applicant:

Instructed by: Gordon, Stevens &

Ranchhoojee Attorneys

011 782 3770

On behalf of the 1st and 2nd Respondents:

Instructed by: Malebye Motaung Mtembu

011 262 5075

On behalf of the 3rd Respondent:

Instructed by: Att L Naidoo

011 487 1246

Date of Hearing: 10 June 2014

Date of Judgment: 10 June 2014

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/ZAGPJHC/2014/170.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/unknown-plaintiff-v-unknown-defendant-leave-to-appeal-agpjhc-2014-2013-21677>

Prepared on 12 October 2026 · Esheria