

SOUTH AFRICA / JUDGMENT

Forensic Investigation Risk and Recovery Management (Pty) Ltd v Unemployment Insurance Fund and Others (088430-2024) [2024] ZAGPPHC 921 (16 September 2024)

[2024] ZAGPPHC 921

COURT

North Gauteng High Court, Pretoria

BEFORE

Strijdom

CASE / FILE NUMBER

088430-2024

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REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF

SOUTH AFRICA

GAUTENG DIVISION,

PRETORIA

088430-2024

Heard on: 12 September

2024

Judgment: 16 September

2024

(1)

REPORTABLE: NO

(2)

OF INTEREST TO OTHER JUDGES: NO

(3)

REVISED.

DATE:

16 SEPTEMBER 2024

SIGNATURE

In the matter between:

FORENSIC
INVESTIGATION RISK AND RECOVERY
Applicant
MANAGEMENT (PTY) LTD
And
THE
UNEMPLOYMENT INSURANCE FUND
First Respondent
24SIX
CA
Second Respondent
ALTITUDE
BUSINESS ADVISORY
Third Respondent
CHAPU
CA
Fourth Respondent
DITHE TO
ACCOUNTANTS
Fifth Respondent
EZEE
CHARTERED ACCOUNTANTS
Sixth Respondent
IZALA
VERIFIATORS
Seventh
Respondent
IZALA
VERIFIATORS CPT
Eighth Respondent
KST
HOLDING
Ninth
Respondent
KULUNGWANA
ACCOUNTANTS
Tenth Respondent
LEBONE
LA AFRICA CONSULTANTS
Eleventh
Respondent
LEOLO
AND PARTNERS CHARTERED
ACCOUNTANTS
Twelfth
Respondent
MAINE
MANAGEMENT AND CHARTERED
ACCOUNTANTS
Thirteenth Respondent
MKWANAZI

INVESTMENTS
Fourteenth Respondent
MNB
CHARTERED ACCOUNTANTS
Fifteenth Respondent
MOROB
CHARTERED ACCOUNTANTS
Sixteenth Respondent
NAMBE
FINANCIAL CONSULTANTS
Seventeenth Respondent
NDEMEX
CONSULTING
Eighteenth Respondent
NKS
CASA
Nineteenth Respondent
OMC
CONSULTING
Twentieth Respondent
RSND
CONSULTING PROFESSIONALS
Twenty-First Respondent
SAMB
SOLUTIONS
Twenty-Second Respondent
SIMDAR
CONSULTING
Twenty-Third Respondent
SONDLO
CHARTERED ACCOUNTANTS
Twenty-Fourth Respondent
SVZ
CONSULTING
Twenty-Fifth Respondent
THABI
CONSULTING
Twenty-Sixth
Respondent
THE
ACCOUNTING VILLAGE
Twenty-Seventh Respondent
UBUNTU
BUSINESS ADVISORY AND
CONSULTING
(Listed
as UBAC FORENSICS on CIPC)
Twenty-Eighth
Respondent
THE
DEPARTMENT OF LABOUR

Twenty-Ninth Respondent
This judgment was
prepared and authored by the Judge whose name is reflected and is
handed electronically by circulation to the
Parties / their legal
representatives by email and by uploading it to the electronic file
of this matter on CaseLines. The date
for handing is deemed to be 16
September 2024.

JUDGMENT

STRIJDOM J

- [1] In this matter the first and twenty-third respondent seek leave to appeal to the Supreme Court of Appeal, alternatively to the Full Court of the Gauteng Division, against the whole of my judgment and costs order handed down on 20 August 2024 in the Urgent Court.
- [2] The application for leave to appeal is opposed by the applicant in the main application.
- [3] The grounds of appeal in respect of the first and twenty-third respondents are set out in the respective applications for leave to appeal. I do not intend to repeat same.[1]
- [4] Applications for leave to appeal are governed by sections 16 and 17 of the Superior Courts Act, 10 of 2013 (the Act). Section 17 makes provision for leave to be granted where the presiding judge or judges concerned are of the opinion that the appeal would have a reasonable prospect of success, or if there is some compelling reason why the appeal should be heard including conflicting judgments on the matter under consideration.
- [5] With the enactment of section 17 of the Act, the test has now obtained statutory force and is to be applied using the word “would” in deciding whether to grant leave. In other words, the test is: “Would another Court come to a different decision.”
- [6] Each application for leave to appeal must be decided on its own facts. Some examples of what will be regarded as compelling reasons have been identified. They include:
 - (a) The substantial importance of the case to the applicant or to both the applicant and respondent;
 - (b) The decision sought to be appealed against involves an important question of law;
 - (c) The administration of justice either generally or if the particular case concerned requires the appeal to be heard; and
 - (d) An issue of public importance which will have an effect on future matters.

- [7] It is trite that appellants need to convince the Court on proper grounds that they have prospects of success on appeal. Those prospects of success must not be remote, but there must exist a reasonable chance of succeeding.
- [8] Having considered all the grounds of appeal raised by the first and twenty-third respondents as well as the facts and the law as presented by the parties, I am of the view that the appeal has reasonable prospects of success.
- [9] When the facts and the law were examined, there is in my view also a sound and rational basis for the conclusion that there are compelling reasons why the appeal should be heard. This matter is of substantial importance to both the applicant and the respondents and would raise important constitutional issues and questions of law.
- [10] In the result, the following order is made:
1. Leave to appeal is granted to the first and twenty-third respondents to the Supreme Court of Appeal.
 2. Costs will be costs in the appeal.

STRIJDOM J.J

JUDGE OF THE HIGH COURT

GAUTENG DIVISION,

PRETORIA

Appearances:

For the Applicant in the main application: Adv A Granova Instructed by: V Chetty Inc For the First Respondent: Adv E Van As Instructed by: The State Attorney For the Twenty-Third Respondent: Mr N.P Voyi Instructed by: Voyi Inc Attorneys

- [1] Caseline: 031 – 1 to 031 – 13 First respondent's grounds of appeal 031 -1 to 030 – 14.

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ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPPHC/2024/921.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/unknown-plaintiff-v-unknown-defendant-leave-to-appeal-agpphc-2024>

Prepared on 11 October 2026 · Esheria