



**IN THE HIGH COURT OF SOUTH AFRICA
(FREE STATE DIVISION, BLOEMFONTEIN)**

Reportable:	YES/NO
Of Interest to other Judges:	YES/NO
Circulate to Magistrates:	YES/NO

Case no. **2322/2021**

In the application between:

**DAVID HERCLASS
SYLVIA HERCLASS**

First Applicant
Second Applicant

and

LETSHEGO MIRRIAM ROSIE HERCLASS

Respondent

APPLICATION FOR LEAVE TO APPEAL

ORDER BY: DE KOCK, AJ

HEARD IN TERMS OF RULE 16.5 OF THE FREE STATE PRACTICE RULES

DELIVERED: This Order was handed down electronically and by circulation to the parties' representatives by e-mail and released to SAFLII. The date and time for handing down is deemed to be 13h00 on 14 December 2022.

[1] This is an application for leave to appeal against the whole of the judgment delivered by myself on the 29th June 2022.

[2] The First and Second Applicants' grounds for leave to appeal are set out in their application for leave to appeal and need not be repeated herein.

- [3] I do not intend repeating the arguments advanced in support of the application for leave to appeal.
- [4] I have considered all the grounds as well as the submissions in support thereof. I have once again also considered my judgment dated the 29th June 2022.
- [5] I am fortified in my view that the First and Second Applicants do not have prospects of success before another Court.
- [6] Consequently the following order is made:
1. The application for leave to appeal must fail and is dismissed with costs.



D DE KOCK, AJ

Appearance on behalf of the First and Second Applicants:

Attorney: - Adv NM Balakatsi Attorney. Mlozana Attorneys, Suite B, Property Park 60, Kellner Street, Westdene, Bloemfontein.

Appearance on behalf of the Respondent:

Attorney: - Advocate AJ van der Merwe, Attorney: J J Kachelhoffer, McIntyre & van der Post Attorneys, 12 Barnes Street, Westdene, Bloemfontein.