

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)

Case No: 41975/2020

DELETE WHICHEVER IS NOT APPLICABLE
(1) REPORTABLE: YES / NO.
(2) OF INTEREST TO OTHER JUDGES: YES / NO.
(3) REVISED.

DATE:

SIGNATURE:

In the matter between:

PATRICIA MALULEKE MAMAILA

Applicant

and

MAKOMA MARTHA MAMAILA

First Respondent

ESTATE LATE MOHALE ENOS

Second Respondent

**MASTER OF THE HIGH COURT,
JOHANNESBURG**

Third Respondent

JUDGMENT

Todd AJ

1. This is an application for leave to appeal against a judgment that I handed down on 13 September 2022. The application was brought three or four days outside the prescribed period, and the Applicant has applied for condonation of the late filing of the application. I am satisfied that condonation should be granted.
2. The Applicant seeks leave to appeal on the ground that an appeal would have a reasonable prospect of success as contemplated in section 17(1)(a)(i) of the Superior Courts Act. In assessing prospects of success I follow the approach described in *Ramakatsa and others v African National Congress and Another* [2021] ZA SCA 31 at para 10.
3. Mr Maleka, who appeared for the Applicant, raised a range of grounds on which he submitted there were reasonable prospects of another court deciding the matter in favour of the Applicant. These were set out at length in the application for leave to appeal and were elaborated upon by Mr Maleka in oral submissions.
4. I have considered all of these grounds. On an overall conspectus of the matter, I am not satisfied that an appeal would have reasonable prospects of success in the sense contemplated in section 17(1)(a)(i) of the Superior Courts Act.
5. The application for condonation is granted. The application for leave to appeal is dismissed. There is no order as to costs.

C Todd

Acting Judge of the High Court of South Africa.

REFERENCES

For the Applicant:	Adv. K J Maleka
Instructed by:	Leshilo Inc. Attorneys
For the First and Second Respondents:	Adv. L Mbhalati
Instructed by:	Motanya Madiba Attorneys
Hearing date:	17 November 2022

Judgment delivered:

21 November 2022