

**REPUBLIC OF SOUTH AFRICA**



**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG**

**CASE NO: 03095/2017**

- (1) REPORTABLE: NO
- (2) OF INTEREST TO OTHER JUDGES: NO
- (3) REVISED.

**11<sup>th</sup> April 2022**

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**Date**

**ML TWALA**

In the matter between:

**ZUNGULA  
RESPONDENT/PLAINTIFF**

**SINDISWA**

**And**

**PASSENGER AGENCY OF SOUTH**

**AFRICA  
APPLICANT/DEFENDANT**

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**JUDGMENT**

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**Delivered:** This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the judgment is deemed to be 11<sup>th</sup> April 2022

**TWALA J**

- [1] For the sake of convenience, in this judgment I shall refer to the parties as in convention. Furthermore, this Court directed that this matter be determined on the papers without an oral hearing, as provided for in the Gauteng Division Consolidated Directives; re Court Operations during the National State of Disaster issued by the Judge President of this Division on the 18<sup>th</sup> of September 2020.
- [2] This is an application for leave to appeal against the whole of the judgment and order of this Court handed down electronically on the 8<sup>th</sup> February 2022 holding that the defendant liable for 100% of the plaintiff's proven damages.
- [3] It is a trite principle of our law that leave to appeal may only be given where the Judge or Judges concerned are of the opinion that the appeal would have

a reasonable prospect of success or where there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration. (*See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013*).

[4] The grounds for the leave to appeal are succinctly stated in the notice of application for leave to appeal and I do not intend to restate them in this judgment. Furthermore, I would like to extend my gratitude and appreciation to both counsel for the submissions made in their concise heads of argument filed in this application for leave to appeal.

[5] I am satisfied that I have covered and considered all the issues raised in the application for leave to appeal in my judgment. I am therefore of the view that there are no reasonable prospects of success in this appeal. Put differently, I am of the view that there is no prospect that another Court may come to a different conclusion in this case. Therefore, the application for leave to appeal the judgment falls to be dismissed.

[6] In the result, the following order is made:

The application for leave to appeal is dismissed with costs.

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**TWALA M L**

**JUDGE OF THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG LOCAL DIVISION**

**Filing of Heads of Argument: 28<sup>th</sup> of March 2022**

**Date of Judgment: 11<sup>th</sup> February 2022**

**For the Plaintiff: Advocate F. Matika  
Advocate S. Tshungu**

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