

REPUBLIC OF SOUTH AFRICA

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

CASE NUMBER: 21311/2017

DATE OF HEARING: 12 October 2022

DELETE WHICHEVER IS NOT APPLICABLE

REPORTABLE: NO
OF INTEREST TO OTHER JUDGES: NO_____
DATESIGNATURE

In the matters between:

GIVEN KHOZA**Applicant**

and

FIRST RAND BANK LIMITED**Respondent***In re:***FIRST RAND BANK LIMITED****Plaintiff**

and

GIVEN KHOZA**Defendant**

This judgment has been delivered by being uploaded to the caselines profile on 12 October 2022 at 10h00 and communicated to the parties by email.

APPLICATION FOR LEAVE TO APPEAL JUDGMENT

Sutherland DJP

Introduction

- [1] This an application for leave to appeal against an order made by his lordship Mr Justice Tsoka on 1 February 2018. The matter was heard in the unopposed motion court and an order was given without reasons as is the practice in that court. Eleven months had past and on 29 November 2019, a notice of application for leave to appeal was lodged by the defendants against whom the order had been made. After that date the defendant had made no attempts whatsoever to prosecute the application for leave to appeal.
- [2] On 5 October 2022, notice of this hearing at the instance of the respondent in re applicant was made and the matter comes before me on 12 October 2022. It's plain from the bare bones of the application for leave to appeal that no hint is given as to what grounds might be relied upon and to that extent it is problematic even on a generous interpretation that rule 49 of the rules of court have been complied with.
- [3] In any event for reason of non-prosecution, the application itself deserves to be dismissed. The relief which is sought in terms of the draft order, is that the application for

leave to appeal be dismissed and that Mr Khoza, the applicant for the application for leave to appeal should pay the costs of this application. This seems to be wholly appropriate.

[4] In this circumstances:

(1) The order is made in terms of the draft order dated 12 October 2022.

Sutherland DJP

Heard: 12 October 2022

Judgment: 12 October 2022

The Applicants were represented by: Adv Raymond Peterson

Instructed by: Glover Kannieappan Incorporated

There was no appearance on behalf of the respondent.