



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

**CASE NO: 010253/2023**

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

15 /09/23

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**Date**

**ML TWALA**

In the matter between:

**ZOVIFLO  
APPLICANT**

**(PTY)**

**LTD**

**And**

**HARALAMBOS PROKAS  
RESPONDENT**

**FIRST**

**JOALETTE PROKAS  
RESPONDENT  
FOTINI PROKAS  
RESPONDENT**

**SECOND**

**THIRD**

(Cited in their capacities as trustees of the  
Prinia Heritage Trust (IT 952/12))  
**PRINIA INVESTMENT CAPITAL (PTY)  
LIMITED**

**FOURTH RESPONDENT**

**THE COMPANIES AND INTELLECTUAL  
PROPERTY COMMISSION**

**FIFTH RESPONDENT**

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**JUDGMENT**

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**Delivered:** This judgment and order 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 order is deemed to be the 15<sup>th</sup> of September 2023.

**TWALA J**

- [1] This is an application for leave to appeal the whole of the judgment an order of this Court handed down on the 15<sup>th</sup> of August 2023 in which the applicant succeeded with the relief he sought in terms of his notice of motion.
- [2] For the sake of convenience, in this judgment I shall refer to the parties as they are referred to in the main application. Furthermore, it is noteworthy that it only the first, third and fourth respondents who are appealing this judgment.

[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 view 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 the 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 counsel for the parties for the submissions made at the hearing of this application.

[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 not persuaded by the respondents that there are reasonable prospects of success in this appeal. Put in another way, I am of the considered view that there is no prospect that another Court would come to a different conclusion in this case. Therefore, the application for leave to appeal the judgment falls to be dismissed with costs.

[6] In the circumstances, I make the following order:

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**

**Date of Hearing:** 12<sup>th</sup> of September 2023

**Date of Judgment:** 15<sup>th</sup> of September 2023

**For the Applicants:** Advocate P F Louw SC

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