

Editorial note: Certain information has been redacted from this judgment in compliance with the law.



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

CASE NO: 41962/2021

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

25 July 2023

.....

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Date

ML TWALA

In the matter between:

**SEAN
APPLICANT**

RIST

DAVIDSON

And

**BRENDA MEGAN COUGH N.O.
RESPONDENT**

FIRST

**(Cited in her capacity as the Executrix in
The estate late David Cough)**

**BRENDA MEGAN COUGH
RESPONDENT
(Identity No: [...])**

SECOND

**STAND 1231 LEISURE BAY CLOSE
CORPORATION
(Registration No: 1999/023523/23)**

THIRD RESPONDENT

**STAND 1232 LEISURE BAY CLOSE
CORPORATION
(Registration No: 1998/012901/23)**

FOURTH RESPONDENT

**THE COMPANIES AND INTELLECTUAL
PROPERTY COMMISSION**

FIFTH RESPONDENT

JUDGMENT

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 the 25th of July 2023.

TWALA J

[1] For the sake of convenience, in this judgment I shall refer to the parties as they are referred to in the main application and in the judgment.

- [2] The first and second respondents brought this application for leave to appeal against the whole of the judgment and order of this Court handed down electronically on the 20th of December 2022. It is worth noting that the third and fourth respondents are not participating in this application for leave to appeal as they did not participate in the main application.
- [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 repeat them in this judgment. Furthermore, I am grateful to both counsel for the parties for the submissions made at the hearing of 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 not persuaded by the respondents that there are reasonable prospects of success in this appeal. Put differently, I am of the 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, the following order is made:

The application for leave to appeal is dismissed with costs.

TWALA M L

JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION

Date of Hearing: 20th of July 2023

Date of Judgment: 25th of July 2023

For the Applicant: Advocate S Meyer

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