

**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG LOCAL DIVISION, JOHANNESBURG**

**Case No.: 012167/2022**

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

**22/03/2024**

**………………….. ………………………...**

**Date ML TWALA**

**MAG.**

In the matter between:

**STANDARD BANK OF SOUTH AFRICA LIMITED APPLICANT**

(Registration Number: 1962/000738/06)

**And**

**THE MASTER OF THE HIGH COURT FIRST RESPONDENT**

**JOHANNESBURG**

**M.J.D. BREYTENBACH N.O. SECOND RESPONDENT**

**K.C. MONYELA N.O. THIRD RESPONDENT**

**R.F. LUTCHMAN N.O. FOURTH RESPONDENT**

(Second to Third respondents cited in their capacity as joint liquidators of Genflex (Pty)

Ltd (in liquidation) Registration Number:

2002/019555/07)

**GENFLEX (PTY) LTD (in liquidation) FIFTH RESPONDENT**

**Registration Number: 2002/19555/07)**

**SOUTH AFRICAN MERCANTILE**

**CORPORATION (PTY) LTD SIXTH RESPONDENT**

**ALEXANDER FRASER & SON SA**

**(PTY) LTD SEVENTH RESPONDENT**

**ALEXANDER FRASER & SON LTD**

**LONDON EIGHTH RESPONDENT**

**PEECON PROPERTIES NINTH RESPONDENT**

**SOUTH AFRICAN SECURITISATION TENTH RESPONDENT**

**ZR PERTOLEUM MARKETING**

**(PTY) LTD ELEVENTH RESPONDENT**

**REDTREE CAPITAL (PTY) LTD TWELFTH RESPONDENT**

**MIA GAS SUPPLIES (PTY) LTD THIRTEENTH RESPONDENT**

**AP MERRIC T/A ENTERPRISE 2000 FOURTEENTH RESPONDENT**

**INTER AFRICA ENGINEERING**

**(PTY) LTD FIFTEENTH RESPONDENT**

**TEAM PLATING WORKS (PTY) LTD SIXTEENTH RESPONDENT**

**SOUTH AFRICAN REVENUE**

**SERVICE SEVENTEENTH RESPONDENT**

**RAS H.E. EIGHTEENTH RESPONDENT**

**HODGKISS R.V. NINTEENTH RESPONDENT**

**ARMITAGE C. TWENTIETH RESPONDENT**

**BADENHORST J.J. TWENTY-FIRST RESPONDENT**

**STEWART-ROSS-FITZALAN C.A. TWENTY-SECOND RESPONDENT**

**MBATHA Z.C. TWENTY-THIRD RESPONDENT**

**BONNIN C.N. TWENTY-FOURTH RESPONDENT**

**ALBRECHT J.S. TWENTY-FIFTH RESPONDENT**

**SWANEPOEL S.D.J. TWENTY-SIXTH RESPONDENT**

**ABSA BANK LIMITED TWENTY-SEVENTH RESPONDENT**

**THOMAS D. TWENTY-EIGHTH RESPONDENT**

**DELPORT S.J. TWENTY-NINTH RESPONDENT**

**SZALEK R. THIRTIETH RESPONDENT**

**HOLTZHAUSEN E.N. THIRTY-FIRST RESPONDENT**

**JUDGMENT**

**TWALA J**

[1] This is an application for leave to appeal the judgment and order of this Court handed down on the 1st of September 2023, which granted the applicant the relief it sought in terms of the notice of motion.

[2] For the sake of convenience, in this judgment I will refer to the parties as they were referred to in the main judgment. As was the case in the main application, it is the fifth, sixth and seventh respondents who brought this application for leave to appeal.

[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. [[1]](#footnote-1)

[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 at the hearing of this application.

[5] I am of the view that I have considered all the issues raised in this application for leave to appeal in my judgment. I am therefore not persuaded that another Court may come to a different conclusion in this case. Put in another way, I am of the considered view that there are no reasonable prospects of success in this appeal. Therefore, the application for leave to appeal falls to be dismissed.

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

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: 18th of March 2024**

**Date of Judgment: 22nd of March 2024**

**Appearances**

**For the Applicant: Advocate L Hollander**

**Instructed by: Jason Michael Smith Attorneys**

**Tel: 011 447 8188**

[**kerry@jmsinc.com**](mailto:kerry@jmsinc.com)

**For the Respondents: Adv. J Herschensohn**

**Instructed by: Romanos Attorneys**

**Tel: 012 460 7660**

**office@romanos.co.za**

1. See section 17 (1)(a)(i) and (ii) of the Superior Courts Act 10 of 2013. [↑](#footnote-ref-1)