



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

Case No.: 012167/2022

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

22/03/2024

.....
Date

.....
ML TWALA

In the matter between:

STANDARD BANK OF SOUTH AFRICA LIMITED

APPLICANT

(Registration Number: 1962/000738/06)

And

**THE MASTER OF THE HIGH COURT
JOHANNESBURG**

FIRST RESPONDENT

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)
Registration Number: 2002/19555/07)

FIFTH RESPONDENT

**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
DELPOR 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

¹ 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 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

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For the Respondents: Adv. J Herschensohn

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