## **REPUBLIC OF SOUTH AFRICA**



## IN THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES:NO

(3) REVISED

14 October 2022 DATE

SIGNATURE

**CASE NO: 84994/2019** 

In the matter between: -

**CLIVE MALCOLM ELLISON** 

**Applicant** 

And

MARHINUS JACOBUS DEWALD BREYTENBACH N.O.

First Respondent

**RICHRD HICKEN N.O.** 

Second Respondent

(In their capacity as Joint Trustees of CLIVE MALCOLM ELLISON)

**CITY OF TSHWANE** 

Third Respondent

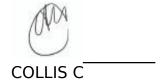
This judgment is issued by the Judge whose name is reflected herein and is submitted electronically to the parties/their legal representatives by email. The judgment is further uploaded to the electronic file of this matter on CaseLines by the Judge or her Secretary. The date of this judgment is deemed to be 14 October 2022.

## AMENDED RULING ON COSTS IN THE APPLICATION FOR LEAVE TO APPEAL

- [1] On 3 October 2022, I granted the applicant leave to appeal to the Full Court of the Gauteng Division.
- [2] The order I made at the time read as follows:
  - "10.1 Leave to appeal is granted to the Full Court of the Gauteng Division with costs."
- [3]In granting the applicant leave to appeal, I should have awarded costs to read "costs in the appeal" instead of granting leave "with costs."

[4]The costs so awarded by me, was clearly a patent error in terms of Rule 42(1)(b) and same at the request of the applicant and by agreement with the respondent is accordingly corrected in terms of the rule.

[5]Annexed, please find a copy of the amended Judgment.



JUDGE OF THE HIGH COURT
GAUTENG DIVISION

## **APPEARANCES**

Counsel for Applicant : Adv. CB Ellis

Instructed by : Jacobson and Levy Inc. Attorneys

**Counsel for Respondents** : Adv. L Hollander

Instructed by : Serfontein, Viljoen

and Swart Attorneys

Date of Hearing :07 September 2022

Date of Ruling :14 October 2022