

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 11300/2021

DATE: 11-05-2023

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES / NO.

(2) OF INTEREST TO OTHER JUDGES: YES / NO.

(3) REVISED.

DATE

SIGNATURE

10 In the matter between

DARREN SAMPSON

Applicant

and

WESBANK, DIVISION OF FIRSTRAND BANK

Respondent

Neutral Citation: *Darren Sampson Vs Wesbank, a Division of Firstrand Bank* (Case No. 11300/2021) [2023] ZAGPJHC 503 (17 May 2023)

20

J U D G M E N T

STRYDOM, J: This is an *ex-tempore* judgment. This is an application for leave to appeal against my order and judgment in this matter dated 3 February 2023.

Before dealing with the merits of the application I

need to make a few remarks. This application for leave to appeal was set down for a hearing today on 11 May 2023, pursuant to an application for leave to appeal, which was filed by the applicant, Mr Darren Sampson (Mr Sampson), acting on his own behalf.

The hearing took place on a Microsoft Teams meeting platform. Mr Sampson appeared on a link in person. The respondent was represented by Counsel, Ms Meyer.

10 Mr Sampson started to argue the application by referring the court to his previous matters and encounters with various judges. I told Mr Sampson that he must confine himself to my judgment and order and make submissions to indicate where I went wrong in the judgment. The court informed him that he must convince this court why another court would come to a different decision.

 Mr Sampson stated that he has a bipolar disorder and that this court should not have entertained the summary judgment application. The court then continued to explain
20 to Mr Sampson what he should address the court on, but he stated that the judges of this division gossip and does not want to deal with his matters.

All of a sudden Mr Sampson told the court on the Teams meeting record as follows, and I paraphrase: “Fuck off, fuck off, jou ma se poes”. He then left the meeting.

The record of the proceedings should be transcribed and the matter is then referred to the Legal Practice Council for consideration and to take the necessary steps against Mr Sampson, who clearly acted in contempt of this court. According to the information available to this court at this stage Mr Sampson is an attorney.

Dealing now with the leave to appeal application. Section 17(1) of the Supreme Court Act stipulates that leave to appeal may only be given where the judge concerned are
10 of the opinion that the appeal would have a reasonable prospect of success.

I have considered my judgment, dated 3 February 2023, and I must just note that two reference to January 2023 should have read February 2023. Thus, the reference to “2 January 2023”, should have been “2 February 2023”, and the reference to “3 January 2023”, should have been “3 February 2023”.

Nothing much turns on this as I am satisfied that Mr Sampson could have appeared before the court on Friday
20 3 February 20223 on the link but decided not to do so. I am satisfied that another court would not find that this court should not have dealt with this matter without the appearance of Mr Sampson.

More so considering that Mr Sampson’s answering affidavit and heads of argument was before court for

consideration.

The court considered the defences raised by Mr Sampson in his opposing affidavit in the summary judgment application. Nothing contained in the application for leave to appeal or what Mr Sampson argued before this court, before he left the meeting, indicate that another court would come to a different decision than the decision of this court.

Mr Sampson has not shown to this court that he has
10 a reasonable prospect of success on appeal. The application for leave to appeal is dismissed with costs.

- - - - -

.....

STRYDOM, J
JUDGE OF THE HIGH COURT
DATE: 17 MAY 2023

20

30 For the applicant:

Mr. D. Sampson

11300/2021-SvS
11-05-2023

5

JUDGMENT

Instructed by:

In person.

For the Respondent:

Adv. K. Meyer

Instructed by:

C F Van Coller Inc

Date of hearing:

11 May 2023

Date of judgment:

17 May 2023