

CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 29/00

LEVY, DELENE JOHANNA

APPLICANT

versus

GLYNOS, DAISY MARY-ANN

1ST RESPONDENT

JAMMINE, AZAR PAUL

2ND RESPONDENT

JUDGMENT

THE COURT:

[1] The applicant has lodged a notice of motion asking the Court to set aside an order it issued on 15 August 2000 whereby the applicant was refused leave to appeal to this Court against a judgment and order of the Supreme Court of Appeal. She also asks that she be permitted to address the Court on the application for leave to appeal. Neither request can be granted. The application is both procedurally and substantively insupportable.

[2] The application for leave to appeal was considered by the full Court in terms of rule 18(1)(b) of the Constitutional Court Rules, i.e. summarily without hearing oral or written argument other than that contained in the application itself. It was dismissed on its merits – finally, once and for all. The previous order was quite unequivocal. It read as follows:

“The Constitutional Court, having considered the application for leave to appeal and the other affidavits lodged in this matter, and being of the opinion that there is no reasonable

prospect that an appeal will succeed, dealt with the application in terms of rule 18(10), and made the following order:

The application for leave to appeal is refused. No order is made as to costs.”

In principle such a final and definitive order of this Court will be reopened only in exceptional circumstances and for compelling reasons. Not only the applicant has an interest in the matters sought to be reopened -- the respondents are entitled to get on with their lives and, more importantly, finality in litigation is important in the public interest.

[3] The grounds advanced by the applicant in support of the present application, set out in the founding affidavit and supplemented in subsequent letters to the Court, are neither exceptional nor compelling. However sincerely the applicant may believe in the justness of her cause, there is no reason to believe that the previous refusal of leave to appeal was wrong. On the contrary, the Court, once again using the procedure permitted by rule 18(10), has concluded that the points put up by the applicant are without merit. It has also decided that it is in the interests of all concerned, not least the applicant, who runs the risk of further adverse costs awards, that the current application be refused summarily.

Order

[4] The application to set aside the order of this Court refusing leave to appeal is dismissed. There is no order as to costs.