

**NOT REPORTABLE
CASE NO: 95/2001**

IN THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

In the matter between:

LANGDALE HOUSE (PTY) LTD

APPLICANT

and

THE STANDARD BANK OF SOUTH AFRICA LTD

RESPONDENT

**CORAM: SMALBERGER ADP, SCHUTZ, ZULMAN, BRAND JJA and
HEHER AJA**

DATE OF HEARING: 10 MAY 2002

DELIVERY DATE: 23 MAY 2002

JUDGMENT

SMALBERGER ADP**SMALBERGER ADP:**

I have had the benefit of reading and considering the judgment of Schutz JA. I am not convinced that the non-compliances that occurred, serious and unexplained (in some respects) as they may be, are so flagrant as to justify the refusal of condonation on that ground alone. It is therefore necessary, in my view, to have regard to the prospects of success. I agree with Schutz JA, for the reasons given by him, that the applicant has no reasonable prospects of success on the merits. I accordingly concur in the order made.

**J W SMALBERGER
ACTING DEPUTY PRESIDENT****BRAND JA - Concur**

