

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

CASE NO: 26339/2021

DATE: 13-06-2023

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: NO.

(2) OF INTEREST TO OTHER JUDGES: NO.

(3) REVISED.

DATE

SIGNATURE

10 In the matter between

LEON AMOS SCHREIBER

First Applicant

DEMOCRATIC ALLIANCE

Second Applicant

and

THE AFRICAN NATIONAL CONGRESS

Respondent

JUDGMENT

20 **WEPENER, J:** I have looked at the heads of argument and listened to the argument before me in this application for leave to appeal and I must confess that there are a number of issues that were raised that were not raised during argument initially. That gives the difficulty that the Court is bound by the issues referred to it by the parties at the

outset of the hearing and reduced during argument whilst Mr Mukhari SC argued and those were the only issues that remained for me to adjudicate upon. Issues raised this morning either in heads or in oral argument outside of what was referred to me by the parties during the hearing, cannot influence the application for leave to appeal as those points fell outside the ambit of the issues for me to determine.

That is all clear from the record of proceedings that was before me.

10 I have listened to the arguments and I am afraid that on the issues of relevance to this matter none have brought me to the view that there is any reasonable prospect of success on appeal. There is clearly no compelling reason to send this matter to another court.

In the circumstances I issue the following order:

ORDER

I find that there is no reasonable prospect of success in an appeal nor is there any compelling reason to refer the matter to an appeal court.

20 The application for leave to appeal is consequently dismissed with costs.

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WEPENER, J

JUDGE OF THE HIGH COURT

26339/2021 - Is
13-06-2023

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JUDGMENT

DATE: