

Sneller Verbatim/lks

IN THE HIGH COURT OF SOUTH AFRICA

(WITWATERSRAND LOCAL DIVISION)

JOHANNESBURG

CASE NO: 13424/02

2002-12-03

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DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE YES/NO	
(2) OF INTEREST TO OTHER JUDGES	YES/NO
(3) REVISED <i>no</i>	
DATE <u>24/03/03</u>	<u><i>[Signature]</i></u> SIGNATURE

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In the matter between

CHEMFIT TECHNICAL PRODUCTS (PTY) LTD

Applicant

and

SOIL FUMIGATION SERVICES (LOWVELD) CC

First Respondent

MAARTEN DIRK KOPPENOL

Second Respondent

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J U D G M E N T

WILLIS, J: This is an application for leave to appeal against the judgment which I gave in this matter on 10 September 2002. It is clear from my judgment that there is conflicting authority on this matter and accordingly, quite obviously, there is a reasonable prospect that another court could come to a different conclusion from my own. There are accordingly reasonable prospects of success in the appeal.

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It is also clear by reason of the conflicting authorities to which I have referred in my judgment, that this is a matter which it is

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appropriate to be considered by the Supreme Court of Appeal. The amount involved is considerable and this is a further factor (albeit a make weight) which, in my view, would justify directing that the matter be heard by the Supreme Court of Appeal.

The following order is made:

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1. The application for leave to appeal is granted.
2. It is directed that the appeal be heard by the Supreme Court of Appeal.
3. The costs of the application are to be costs in the appeal.

The following order is made:

1. Judgment is given against the first defendant in favour of the plaintiff in the sum of R1 260 829,18.
2. The first defendant is to pay interest on the said amount at the rate of 15,5% per annum from 24 July 2002 to date of payment. 5
3. The first defendant is to pay the costs of suit.