

Sneller Verbatim/#

CC105 - G

IN THE HIGH COURT OF SOUTH AFRICA


(WITWATERSRAND LOCAL DIVISION)

JOHANNESBURG

CASE NO: 10006/05

2005-09-28

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DELETE WHICHEVER IS NOT APPLICABLE	
(1) PROCEEDING IN THE COURT	YES/NO
(2) PROCEEDING IN THE COURT AFTER JUDGES	YES/NO
(3) PROCEEDING IN THE COURT	YES/NO
DATE 11-10-2005	SIGNATURE 

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In the matter between

J C BARNARD & PARTNERS

Respondent/Applicant

and

TREVOR B GIDDEY N.O

Respondent/Applicant

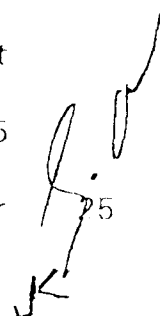
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J U D G M E N T

JOFFE J: The present applicant was the respondent in an application launched for security for costs in respect of an action instituted by the respondent.

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An order was made that the present applicant was to furnish security for the costs in such action. The applicant seeks leave to appeal against this order. The grounds of the application are set out in a notice of application for leave to appeal dated 30 August 2005 and in supplementary grounds for leave to appeal dated 5 September 2005.



CC106

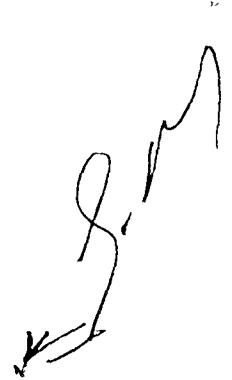
The onus is on the applicant to establish that it has a reasonable prospect of success on appeal. During the hearing of the application for leave to appeal, argument was directed to paragraphs 11 and 12 of the judgment, counsel taking care to submit that none of the grounds set out in the notice of application for leave to appeal or the supplementary grounds of appeal, were abandoned.

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The argument advanced was that I erred in coming to the conclusions referred to in these paragraphs and that an incorrect principle was applied in paragraph 12. I am not satisfied that the applicant has reasonable prospects of success on appeal on these issues and accordingly the application for leave to appeal, falls to be dismissed.

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I make the following order. The application for leave to appeal is dismissed with costs.

A handwritten signature in black ink, appearing to be 'J. M.', is located in the bottom right corner of the page.