

LOM Business Solutions t/a Set LK Transcribers/aj

IN THE HIGH COURT OF SOUTH AFRICA


(WITWATERSRAND LOCAL DIVISION)

JOHANNESBURG

CASE NO: 11778/06

2007-03-07

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(1) REPORTABLE	<input checked="" type="checkbox"/>
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(3) REVISED	<input checked="" type="checkbox"/>
DATE <u>4/5/2007</u>	SIGNATURE 

In the matter between

JOINT STOCK CO & VAVARINSKOWYE

Applicant

and

ABSA BANK LIMITED

First Respondent

VAN DER MERWE L D

Second Respondent

PON LIZEL MARGEIRETHA

Third Respondent

VAN DEN HEEVER D W

Fourth Respondent

NWA MOSHAMED MOTALANO

Fifth Respondent

METALLURGICI MANAGEMENT (PTY) LTD

Sixth Respondent

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### JUDGMENT

WILLIS, J: This is an application for leave to appeal against the judgment which I gave in this matter on 15 November 2006. I am satisfied that there is a reasonable prospect that another court could

come to a different conclusion from my own and accordingly that there are reasonable prospects of success in an appeal.

As I indicated in my judgment the matter was not only important but a difficult one. Accordingly leave to appeal should be granted. Counsel for the applicant and the respondents both agreed that if leave to appeal were to be granted the appropriate forum would be the Supreme Court of Appeal. Counsel for the remaining respondents did not disagree. I agree that the appropriate forum for the hearing of the appeal would be the Supreme Court of Appeal. The following is the

10 order of court:

1. Leave to appeal is granted.
2. The appeal is directed to the Supreme Court of Appeal.
3. The costs in the application for leave to appeal are costs in the appeal.