



IN THE HIGH COURT OF SOUTH AFRICA
(TRANSVAAAL PROVISIONAL DIVISION)

Case number: 2529/2007

Date: 01/02/2008

UNREPORTABLE

In the matter between:

CHRISTINE WILLIAMS PROPERTIES CC T/A
CHRISTINE WILLIAMS PROPERTIES

Applicant

And

LEON DICKER NO
ANNE PIETERSE
ANDRÈ WILHELMUS PIETERSE

First Respondent
Second Respondent
Third Respondent

JUDGMENT

PRETORIUS J.

This is an application for leave to appeal. Whilst arguing the matter, counsel for the applicant requested the court only to deal with the arbitration proceedings up to the 28th of July 2006 when the applicant raised the exception for the first time. He requested the court not to deal with the arbitration as such, but only with the so-called "informal exception", that was dismissed and the matters leading up to 28 July 2006.

I find it strange that the applicant now applies for leave to appeal on the grounds as set out in the notice for leave to appeal, regarding estate agent's commission and the onus of proof, where the request was not to deal with the merits of the arbitration.

I have read the application, the authorities to which counsel referred and considered the arguments of counsel. I must reiterate that I cannot find that the arbitrator did not apply his mind. The law is set out in **Telcordia Technologies Inc v Telkom SA Ltd 2007 (3) SA 266 (SCA)** by Harms JA at 296 and I cannot find any reason why it does not apply to this matter. I am of the opinion that another court will not reach a different conclusion.

The following order is made:

The leave to appeal is dismissed with costs.



Judge Pretorius

Case number

Heard on

For the Applicant / Plaintiff

Instructed by

For the Respondent

Date of Judgment

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2529/2007

30 January 2008

E Janse van Rensburg

Willie Jansen

LW De Beer

1 February 2008