

**REPUBLIC OF SOUTH AFRICA**



**IN THE HIGH COURT OF SOUTH AFRICA  
GUATENG DIVISION, JOHANNESBURG**

Case No: 30404/2021

*AIG South Africa Ltd v 43 Air School Holdings (Pty) Ltd and 3 Others*

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**SUMMARY**

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On Wednesday, 14 June 2023, the High Court of Gauteng Division, Johannesburg handed down judgement in a leave to appeal application brought by the applicant. The applicant sought leave to appeal against the whole judgement and orders handed down by this court on 23 February 2023, as well as an order that the costs of this application be costs in the appeal. The applicant sought this application on several grounds. Worthy of mention being that they seek clarity on the issue of joint and composite insurance, on which there is not much guidance. The applicant referred this court to two new cases from foreign jurisdictions that were not available when the matter was argued. It was further indicated that referring this matter to the Supreme Court of Appeal in terms of section 17(6)(a) of the Superior Courts Act 10 of 2013 would be helpful given that there are a number of related matters in the commercial and insurance field which require guidance and precedents. Counsel for the Respondent was persuaded and agreed that the matter be referred to the Supreme Court of Appeal.

The court considered the submissions and in applying section 17(1)(a) of the Superior Courts Act was of the view that there was a reasonable prospect that a different court would come to a different conclusion. The court was further of the view that a pronouncement on the issue of relying on a policy being a joint or a composite one and on the interrelatedness being misplaced is a key issue which is essential to be considered and may guide other parties.

In the result, the court granted the leave to appeal to the Supreme Court of Appeal against the whole judgement and orders handed down on 23 February 2023 and ordered that the costs of the application be costs in the appeal.