



*IN THE HIGH COURT OF SOUTH AFRICA*  
**GAUTENG LOCAL DIVISION, JOHANNESBURG**

**CASE NO: 16168/17**

1. Reportable: No
2. Of interest to other judges: No
3. Revised:

2 August 2024

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In the matter between:

**ABSA BANK LIMITED**

and

Applicant

**HOWELL, PHILLIP MARSHALL**

First Respondent

**HOWELL, NOELENE JANE**

Second Respondent

**SHERIFF OF THE HIGH COURT –**

Third Respondent

**ROODERPOORT NORTH**

**CITY OF JOHANNESBURG METROPOLITAN**

Forth Respondent

**MUNICIPALITY**

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**JUDGMENT – APPLICATION FOR LEAVE TO APPEAL**

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WRIGHT J

1. Mr and Ms Howell, the 1<sup>st</sup> and 2<sup>nd</sup> respondents in the main application, seek leave to appeal my order of 3 June 2024.
2. Absa then had sought and been granted a reduction in the reserve price at which the Howell's house could be auctioned by the sheriff in satisfaction of a judgment granted some seven years ago.
3. It bears mention that the Howells have lived in the house in question for over seven years without paying anything towards the bond. They owe the municipality more than a third of the value of the property in municipal charges. In the main application they chose to tell the court nothing about their financial circumstances.
4. The Howells have no reasonable prospect on appeal and there is no compelling reason to grant leave. In my view, party and party costs on scale A suffice in this application.

**ORDER**

1. The application is dismissed.
2. Mr and Ms Howell are jointly and severally to pay Absa's costs.



**GC Wright**

**Judge of the High Court**

**Gauteng Division, Johannesburg**

**HEARD : 2 August 2024**

**DELIVERED : 2 August 2024**

**APPEARANCES :**

**Absa                      Adv M Msomi**

**082 229 4363**

**Instructed by      Lowndes Dlamini Attorneys**

**Mr and Ms Howell   Adv LL Makoko**

**Instructed By      Att Gary Segal**