



10/12/2010
Not reportable

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG DIVISION)

CASE NO.: 46427/09

In the matter between

MARLIN MOODLEY

Applicant

and

NAMBITI ENGINEERING (PTY) LTD

Respondent

CORAM: EBERSOHN AJ

DATE HEARD: 6 DECEMBER 2010

JUDGMENT HANDED DOWN ON: 10 DECEMBER 2010

JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL

- [1] In this matter the second respondent applied for leave to appeal against the judgment of this court in terms of which, inter alia, a restraining order was granted against the second respondent.
- [2] In the judgment the parties will be referred as in the main application.

- [3.] No less than 13 grounds of appeal were stated in the application for leave to appeal.
- [4.] The application for leave to appeal was argued before me.
- [5.] The 12 months restraining period has lapsed and the matter has become academic and it is only really a matter of costs.
- [5.] I am satisfied that the second respondent has no prospects of success with an appeal in another court and the application cannot succeed.
- [6.] I accordingly make the following order:

"The application for leave to appeal is dismissed with costs."



P.Z. EBERSOHN AJ
ACTING JUDGE OF THE HIGH COURT

Applicant's counsel

Adv. T. Pillay

Applicant's attorneys

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