



**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

Case number: 2639/2011

Date: 11 February 2014

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES/NO

(2) OF INTEREST TO OTHERS JUDGES: YES/NO

(3) REVISED

11/2/2014 *Pretorius*  
DATE SIGNATURE

In the matter between:

**GENESIS MEDICAL SCHEME**

Applicant

and

**VUYANI NGALWANA N.O.**

First Respondent

**THE COUNCIL FOR MEDICAL SCHEMES**

Second Respondent

**ANNALISE DU TOIT**

Third Respondent

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**LEAVE TO APPEAL JUDGMENT**

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*PRETORIUS J.*

[1] This application for leave to appeal is against the whole judgment delivered on 27 November 2013 by this court.

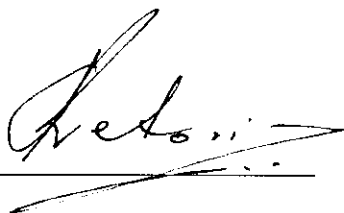
[2] I have received heads of argument from the counsel for the first and second respondents' counsel. I have considered the application for leave to appeal, as well as all the arguments raised in court. Furthermore I have once more considered the authorities to which I had been referred.

[3] I do not intend setting out the reasons for my judgment as the reasons for my findings are clear from the judgment I originally delivered.

[4] The court is of the opinion that another court will not come to a different conclusion in this application.

[5] The following order is made:

1. The application for leave to appeal is dismissed with costs;
2. The costs to include the costs occasioned by the use of two counsel.

A handwritten signature in black ink, appearing to read 'C. Pretorius', written over a horizontal line.

Judge C Pretorius

Case number : 2639/2011

Heard on : 4 February 2014

For the Applicant : Adv E Fagan SC

Instructed by : Webber Wentzel

For the Respondent : Adv Brett SC

: Adv AJ Lapan

Instructed by : Routledge Modise INC

Date of Judgment : 11 February 2014