



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

Case number: 15860/2006

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	<i>[Signature]</i>
DATE	SIGNATURE

In the matter between:

LANSERIA INTERNATIONAL AIRPORT (PTY) LTD

Applicant

And

IMPERIAL BANK

Respondent

LEAVE TO APPEAL JUDGMENT

PRETORIUS J.

[1] The application for leave to appeal was launched on 29 January 2013.

It is before this court on 6 February 2014, more than a year after it had been launched.

[2] Although the application for leave to appeal was served and filed on 29 January 2013 it was only brought to my attention during April 2013. The registrar tried to arrange a date for the hearing for leave to appeal, but due to the fact that I was on long leave during the second term and the unavailability of counsel during the third and fourth terms no suitable date to hear the appeal could be found.

[3] The respondent's attorney enquired during October 2013 from the registrar as to a suitable date as the applicant had not pursued the matter. It was left to the attorneys to arrange a date and apparently according to counsel, none of the four counsel were available until today. Therefore the long delay. I do find that it is not in the interest of justice to have applications for leave to appeal pending for more than a year. There should have been more concerted effort by all parties involved to deal with this matter expeditiously.

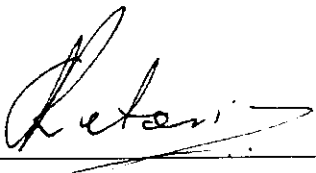
[4] I have read the notice for leave to appeal, considered all the arguments and heads of argument by the applicant, as well as the facts of the matter.

[5] I am of the opinion that another court might reach a different conclusion.

[6] I do not think that the basis for the application for leave to appeal, that another court may apply the legal principles to the facts differently, warrants the attention of the Supreme Court of Appeal.

[7] The following order is made:

1. Leave to appeal is granted to the Full Bench of the Gauteng Division of the High Court;
2. Costs of this application to be costs in the appeal.



Judge Pretorius

Case number	: 15860/2006
Heard on	: 29 November 2012
For the Applicant / Plaintiff	: JP Voster SC
	: AM Heystek
Instructed by	: Le Roux Vivier and Associates
For the Respondent	: EF Dippenaar SC
	: AC Botha
Instructed by	: Bezuidenhout van Zyl & Associates INC.
Date of Judgment	: 9 January 2013