

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: B854/2023

(1) REPORTABLE: YES/NO  
(2) OF INTEREST TO OTHER JUDGES: NO  
(3) REVISED: NO  
Date: 27 February 2024 E van der Schyff

In the matter between:

KATE MOGAU CHILOANE

APPLICANT

and

PHILIP JORDAAN

FIRST RESPONDENT

GODFREY CHILOANE

SECOND RESPONDENT

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JUDGMENT: APPLICATION FOR LEAVE TO APPEAL

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Van der Schyff J

**Introduction**

[1] A written judgment was handed down on 22 January 2024. On 24 January 2024, the applicant drafted the notice of application for leave to appeal. The following grounds of appeal are raised:

- i. The court erred in not affording Ms. Chiloane the opportunity to seek legal representation;
- ii. The court erred in finding that the first respondent sufficiently investigated the allegations that the second respondent owns additional immovable properties;
- iii. The court erred in finding that the 'first respondent's exclusion of the transactions made by the second respondent in the subsistence of the marriage was correct';
- iv. The court erred in relying on *M v M*;
- v. The court erred in finding that all the stolen assets were included in the inventory.


[2] The aspects raised as grounds of appeal are the aspects that the applicant raised in the initial application. The court was bound to decide the application on the papers as filed. Since the applicant was represented by pro bono legal representatives who availed themselves at the court's request when the papers were drafted, the applicant had sufficient and ample time to place her case properly before the court.

[3] I am of the view that, on the evidence before the court, the appeal has no reasonable prospect of success and that another court would not come to a different conclusion. Since a written judgment was handed down, it is not necessary to deal with the reasons for the judgment in any detail herein.

### **ORDER**

In the result, the following order is granted:

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

  
 /s/ E van der Schyff  
 Judge of the High Court

Delivered: This judgement is handed down electronically by uploading it to the electronic file of this matter on CaseLines. It will be emailed to the parties/their legal representatives as a courtesy gesture.

For the applicant:	In person
For the first respondent:	Adv. L. Pearce
Instructed by:	FA Steyn Attorneys
Date of the hearing:	21 February 2024
Date of judgment:	27 February 2024