

no file
no judgment

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO: 15996/2017

In the matter between:

DUDUZILE CYNTHIA MYENI

Applicant

and

ORGANISATION UNDOING TAX ABUSE NPC

First Respondent

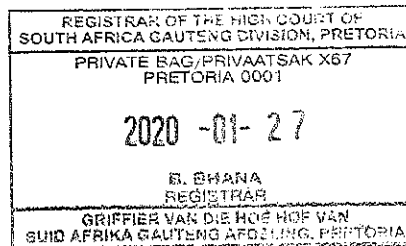
SOUTH AFRICAN AIRWAYS PILOTS ASSOCIATION

Second Respondent

SOUTH AFRICAN AIRWAYS SOC LTD

Third Respondent

AIR CHEFS SOC LTD



Fourth Respondent

MINISTER OF FINANCE

Fifth Respondent

In re:

ORGANISATION UNDOING TAX ABUSE NPC

First Plaintiff

SOUTH AFRICAN AIRWAYS PILOTS ASSOCIATION

Second Plaintiff

and

DUDUZILE CYNTHIA MYENI

First Defendant

SOUTH AFRICAN AIRWAYS SOC LTD

Second Defendant

AIR CHEFS SOC LTD

Third Defendant

MINISTER OF FINANCE

Fourth Defendant

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

TAKE NOTICE THAT the Applicant (“Duduzile Cynthia Myeni”) intends applying to the above Honourable Court on a date and time to be determined by the Registrar for leave to appeal to the Supreme Court of Appeal against the order of Lordship Judge R G Tolmay, handed down on 2 December 2019 under case number **15996/2017**.

TAKE NOTICE FURTHER that the grounds upon which leave to appeal is sought are that the Court erred in the following respects:

1. The learned Judge misdirected herself in finding that the allegations made by Applicant against her former attorneys amounted to an imputed waiver of privilege.
2. The facts in the authority of *S v Boesman* as relied upon by the learned Judge are distinguishable shable from the facts in this case on a number of grounds, most particularly, the ground that the Applicant’s former attorneys do concede that certain instructions were absent and that the plea, as filed at the time, did in fact contain bare denials.
3. The learned Judge has not in her judgment provided reasons as to why the bare denials should not be amended.
4. It is submitted that another court will decide differently on which amendments are permissible in the circumstance and will not refuse all the requested amendments as a whole.

5. The learned Judge misdirected herself in finding that the Applicant failed to give a reasonable explanation for the withdrawal of admissions.

6. It is submitted that another court will find that the learned Judge erred in her application of the *audi alteram* rule where the Applicant denied what has been stated in a plea.

Dated at JOHANNESBURG on this the 24th day of JANUARY 2020.



LUGISANI MANTSHA INCORPORATED

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TO: THE REGISTRAR OF THE ABOVE

HONOURABLE COURT, PRETORIA

AND TO: PANDOR ATTORNEYS
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C/O LEE ATTORNEYS
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Service by email

AND TO: DYASON INCORPORATED
Third and Fourth Respondents' Attorneys
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AND TO: THE MINISTER OF FINANCE
Fifth Respondent
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Pretoria

