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IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

CASE NO: 5309/16

PRETORIA 02 February 2018

BEFORE THE HONOURABLE MR JUSTICE RAULINGA

In the matter between:

MOZAMANE TEASPOON MASWANGANYI Private Bag X97, Pretoria 0001 Applicant

And

THE MINISTER OF DEFENCE AND MILITARY VETERANS 1<sup>st</sup> Respondent  
THE CHIEF OF THE SANDF 2<sup>nd</sup> Respondent  
THE SECRETARY FOR DEFENCE 3<sup>rd</sup> Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA	
	2018-02-27
GRIFFIER VAN DIE HOOGGERECHT VAN SUID-AFRIKA GAUTENG DIVISION, PRETORIA	

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HAVING HEARD counsel for the parties and having read the application for leave to appeal against the judgment of the Honourable Justice Raulinga delivered on 31 July 2017.

IT IS ORDERED THAT:

The application for leave to appeal is dismissed with costs.

BY THE COURT  
  
REGISTRAR  
AM

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Attorney: GRIESEL & BREYTENBACH

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MOZAMANE TEASPOON MASWANGANYI

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THE CHIEF OF THE SANDF

THE SECRETARY FOR DEFENCE

APPLICANT

FIRST RESPONDENT

SECOND RESPONDENT

THIRD RESPONDENT

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JUDGMENT

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RAULINGA J,

1. The applicant ("respondent in the main application"), applies for leave to appeal the whole of the judgment and order of this Court dated 31 July 2017.
2. The main crux of the appeal is that the matter involves an important issue relating to the interpretation of section 59(1)(d) of the Defence Act No 40 of 2000 compared with section 42(1) of the Military Supplementary Act No 16 of 1999 ("MSMA").
3. I disagree with this submission in that the provisions of the two Acts are clear and unambiguous and need no interpretation in the context of the facts in this matter.
4. Consequently, I find no compelling reason for granting leave to appeal as contemplated in section 17(1)(a)(ii) of the Superior Court Act 10 of 2013.
5. The application for leave to appeal is dismissed with costs.



TJ RAULINGA  
JUDGE OF THE GAUTENG DIVISION,  
PRETORIA