

IN THE CONSTITUTIONAL COURT
(REPUBLIC OF SOUTH AFRICA)

CCT 52/13

Case Number : 2013/

In the matter between:

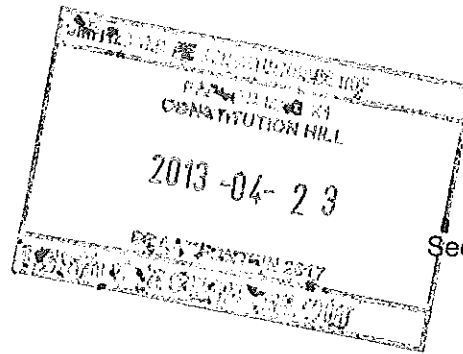
DESTRI JOSEPH MALCOLM FERRIS
SORAYA LACHPORIA FERRIS

First Applicant
Second Applicant

and

FIRSTRAND BANK LIMITED
D. LEE

First Respondent
Second Respondent



NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the Applicants hereby apply for the following relief:

1. THAT condonation be granted to the Applicants for the late lodging of this application;
2. THAT leave to appeal be granted to this Court against the refusal of a rescission application by Kgomo J in case number 22156/2010 in the South Gauteng High Court, Johannesburg, the judgment being attached, marked "FA4, to the founding affidavit;
3. THAT the appeal succeeds;

- 4. THAT the order of the High Court be set aside and replaced with the following:

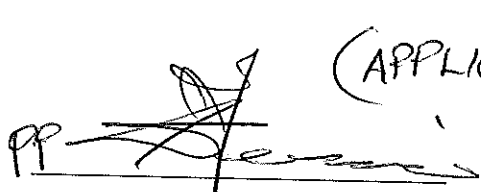
"The application for rescission is granted with costs."

- 5. Ordering the First Respondent to pay the Applicants' cost in this Court, as well as in the Supreme Court of Appeal and the High Court.

BE PLEASED TO TAKE NOTICE FURTHER that the grounds upon which the appeal is brought is set out in the founding affidavit attached to this notice of motion.

TAKE NOTICE FURTHER that, within ten days of the lodging of this application, such Respondent who wishes to respond to or oppose this application, must do so in writing in terms of Rule 19(4) of the Rules of the Constitutional Court.

DATED AT SANDTON ON THIS THE 19th DAY OF APRIL 2013.

 (APPLICANT)

LARRY MARKS ATTORNEYS
 Applicants' Attorneys
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 280 Corlett Drive
 Bramley Gardens
 JOHANNESBURG
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 L.F.

To: **The Registrar** of the above
HONOURABLE COURT
JOHANNESBURG


And to: **BEZUIDENHOUT VAN ZYL & ASSOCIATES**
First Respondent's Attorney
c/o: **ROSSOUWS ATTORNEYS**
8 Sherbone Avenue
Parktown
JOHANNESBURG
Tel.: 011 789 3050
Fax: 011 787 8507
Ref: MR G van der Merwe / MAT33542

ACCEPTED WITHOUT PREJUDICE

ROSSOUWS

ONTVANG SONDER BEKLAGING

23 APR. 2013

13:16. 

And to: **D. LEE**
Second Respondent
...
...

BRUNO SIMÃO
ATTORNEYS
RECEIVED WITHOUT
PREJUDICE

Received by Renato Battenca
on 23/04/2013 @ 12:46




LIP