

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NO: _____

In the matter between:

HENDRICK PIETER LE ROUX First Applicant

BURGERT CHRISTIAAN GILDENHUYS Second Applicant

REINARDT JANSE VAN RENSBURG Third Applicant

and

LOUIS DEY Respondent

APPLICATION FOR LEAVE TO APPEAL

PLEASE TAKE NOTICE that the above-named applicants hereby apply for orders in the following terms:

- 1 Granting the applicants condonation for the late filing of this application;
- 2 Granting the applicants leave to appeal against the judgment of the Supreme Court of Appeal delivered on 30 March 2010 in case 44/2009;

- 3 Upholding the applicants' appeal and substituting the order of the High Court with an order dismissing the claim of the plaintiff (the respondent in this Court);
- 4 Directing the plaintiff (the respondent in this Court) to pay the applicants' costs in this Court, the Supreme Court of Appeal and the High Court, such costs to include the costs of two counsel where two were employed.
- 5 Further or alternative relief.

TAKE NOTICE FURTHER that the accompanying affidavit of BURGERT CHRISTIAAN GILDENHUYS will be used in support of the application.

TAKE NOTICE FURTHER that you may respond to this application in writing within ten days. If you intend to oppose this application, your response must,

- Indicate your intention to oppose this application and the grounds upon which you intend to do so and
- Appoint an address at which you will accept notice and service of all documents in these proceedings

DATED at JOHANNESBURG on this day of 2010.

Webber Wentzel Attorneys
Applicants' attorneys
10 Fricker Road
Illovo Boulevard

JOHANNESBURG 2196
Tel: (011) 530 5232
Ref: Mr D Milo / Ms K Matidze /
Mr G Palmer / 2045714

TO: **The Registrar of the Constitutional Court**
Johannesburg

AND TO: **Gerhard Wagenaar Attorneys**
Respondent's attorneys
Office 105, Glenrant Building
62 Glenwood Street
Lynwoodglen
Pretoria