



**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**  
**MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF**  
**APPEAL**

**From:** The Registrar, Supreme Court of Appeal

**Date:** 21 June 2021

**Status:** Immediate

*The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal*

*Deeps Betting Grounds (Pty) Ltd v Desert Palace Hotel Resort (Pty) Ltd and Another (142/2020) [2021] ZASCA 86 (21 June 2021)*

---

Today the Supreme Court of Appeal (SCA) handed down judgment dismissing the application to hear the appeal in respect of the order of Dauds AJ and the appeal against the order of Sieberhagen AJ from the Northern Cape Division of the High Court, Kimberly (high court).

In 2017, the appellant (Deeps Betting) filed three applications against the Gambling Board relating to a gambling licence issued to Deeps Betting in respect of Erf 4965 in Upington where Deeps Betting sought an order to amend the erf number on the licence to read Erf 7195, Upington, 23 Scott Street (the premises). In one of the applications, Deeps Betting and the Gambling Board subsequently reached an settlement which was made an order of court by this Court in terms of which the Gambling Board was to grant Deeps Betting permission to conduct bookmaker's activities at the premises before the end of March 2019. The gambling licence was not issued.

Later the respondent, (Desert Palace) learnt that the premises was to be rezoned for gambling activities and filed an application in the high court, which is the subject of this appeal, to interdict Deeps Betting from operating any gambling activities on the premises, unless a valid gambling licence had been issued. Deeps Betting filed a conditional counter-application to the main application, seeking to hold the Gambling Board's CEO liable for contempt of court and seeking an order to compel the Gambling Board to issue Deeps Betting with a gambling licence for the premises, in the event the main application succeeded. The high court through Sieberhagen AJ found in favour of Desert Place in the main application and Dauds AJ dismissed the counter-application and refused leave to appeal.

The SCA when it dismissed the application for leave to appeal against the order of Dauds AJ stated that it is generally accepted that an appeal should be restricted to specified grounds of appeal and in terms of the Superior Court Act 10 of 2013. The SCA further said Deeps Betting should have first petitioned the SCA and it failed to furnish the Court with cogent reasons as to why the petition was not filed. On the merits of the appeal the Court held that in terms of sections 78, 79 and 80 of the Northern Cape Gambling Act 3 of 2008 and regulation 7(c) of the Regulations, Deeps Betting would be acting unlawfully if it conducted business at the premises without a licence.

~~~~ends~~~~