



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 20954/2017

1. Reportable: No
2. Of interest to other judges: No
3. Revised

Wright J
8 May 2023

In the matter between:

WEBBER WENTZEL

PLAINTIFF

and

FAIZAL ESSOP

1ST DEFENDANT

PAUL PETER

2ND DEFENDANT

Neutral Citation: *Webber Wentzel v Mr Faizal Essop & Another* (Case No: 20954/2017) [2023] ZAGPJHC 438 (8 May 2023)

JUDGMENT – WRIGHT J

WRIGHT J

1. The plaintiff is Webber Wentzel, a firm of attorneys in Johannesburg.
2. The first defendant and the second defendant used to work for the plaintiff.
3. The particulars of claim allege that the defendants, acting together or individually awarded contracts to suppliers in return for bribes. The amount of the bribes is claimed as disgorgement.
4. The first defendant is alleged to have taken a R824 950 bribe or bribes totaling that amount. The second defendant is alleged to have received R459 500 for the same reason.
5. Also claimed is the alleged fair and reasonable costs of a forensic investigation into the matter in the amount of R1 472 765,17.
6. The defendants' plea denies wrongdoing.
7. The matter has been set down for trial before me today, 8 May 2023.
8. The plaintiff and the second defendant have settled. The trial proceeds against the first defendant.
9. The first defendant was legally represented but not anymore. The plaintiff alleges that he is a fugitive from justice and lives in Australia.
10. Three days ago, when the matter was allocated to me, my clerk sent an email to the plaintiff and the first defendant disclosing that I am personal friends with Johann Scholtz, a partner in the plaintiff firm and that Mr Ed Southey, of Webber Wentzel, had settled my will and is named as executor. Both sides were invited to say whether or not I should recuse myself. The plaintiff suggested that I did not. The first defendant has not replied.
11. In my view, I do not need to recuse myself. Mr Scholtz has nothing to do with the matter. He is one of about 170 partners and in the event of the amounts sought

being awarded and recovered the difference to his pocket is minimal. Our friendship is independent of Mr Scholtz's pocket. Mr Southey and I are friendly towards each other but not friends. He charges a fee for his services. He and I are at arm's length.

12. The first defendant received notice of set down for today, by way of an email sent by the plaintiff's attorney.
13. In the absence of the first defendant, the trial proceeds on a default basis.
14. The plaintiff has uploaded to caselines an affidavit by Mr Lawson, general counsel for the plaintiff who confirms the allegations of wrongdoing by the defendants and the bribe or bribes received by first defendant and that the investigation was done by Deloitte and Touche and the fee charged. This affidavit incorporates the expert report of Deloitte and Touche.
15. An affidavit by Mr Hills, a director of PWC provides expert testimony that the fee charged by Deloitte and Touche is fair and reasonable is also uploaded to caselines.
16. I have no need not to accept any of the evidence placed before me.
17. I have been provided with an a draft order by plaintiff's counsel.

ORDER

Order ito X as amended.

HEARD : **8 May 2023**

DELIVERED : **8 May 2023**

APPEARANCES

PLAINTIFF : **Adv N Cassim SC**

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1st DEFENDANT : No appearance

2nd DEFENDANT : No appearance