

IN THE HIGH COURT OF SOUTH AFRICA
(NORTH GAUTENG, PRETORIA)

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: ~~YES~~/NO.

(2) OF INTEREST TO OTHER JUDGES: YES/NO.

(3) REVISED.

7/7/2010

DATE

Case No: 19638/2008

Date heard: 07/07/2010

Date of judgment: 07/07/2010

In the matter between:

THE NATIONAL CREDIT REGULATOR

Applicant

and

NEDBANK LIMITED

First Respondent

FIRSTRAND BANK LIMITED

Second Respondent

STANDARD BANK OF SOUTH AFRICA LIMITED

Third Respondent

ABSA BANK LIMITED

Fourth Respondent

THE CREDIT PROVIDERS' ASSOCIATION

Fifth Respondent

THE FURNITURE TRADERS ASSOCIATION

Sixth Respondent

RETAIL MOTOR INDUSTRY ASSOCIATION

Seventh Respondent

THE MINISTER OF JUSTICE AND

CONSTITUTIONAL DEVELOPMENT

Eighth Respondent

THE MINISTER OF TRADE AND INDUSTRY

Ninth Respondent

THE DEBT COUNSELLORS ASSOCIATION

OF SOUTH AFRICA

Tenth Respondent

ONCOR (PTY) LTD

Eleventh Respondent

JOAHN ERIK JUSELIUS

Twelfth Respondent

JUDGMENT

DU PLESSIS J:

This is an application for leave to appeal against this court's refusal to grant an order in terms of prayer 1.13 of the notice of motion.

The question that this prayer raises is of considerable importance and novel. In the circumstances the matter in my view not only merits the attention of the Supreme Court of Appeal but that court may reasonably come to a conclusion that an order in those terms should have been granted.

The following order is made:

1. The applicant (The National Credit Regulator) is granted leave to appeal to the Supreme Court of Appeal against this court's refusal to grant an order in terms of prayer 1.13 of the notice of motion.
2. The costs of this application are reserved for determination by the Supreme Court of appeal.

**B.R. du Plessis**

Judge of the High Court

On behalf of the Applicant: Mothle Jooma Sabdia Inc.
1st Floor, West Wing
Duncan Manor
Cnr. Duncan & Brooks Street
BROOKLYN
PRETORIA
P.O. Box 11147 Hatfield 0028

On behalf of the First to Sixth

Respondents: Werksmans Inc.
C/O Edelstein Bosman
220 Lange Street
Nieuw Muckleneuck
PRETORIA

On behalf of the

Second Respondents: Van Hulsteyns Attorneys
C/O Savage Jooste and Adams
141 Boshoff Street
Nieuw Mucklenuck
PRETORIA

On behalf of the

Fourth Respondent: Jay Motohbi Inc.
C/O Savage Jooste and Adams
C/O Savage Jooste and Adams
141 Boshoff Street
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PRETORIA

On behalf of the Fifth and
Sixth Respondent: Routledge Modisa
C/O Adams & Adams
1140 Prospect Street
Hatfield
Pretoria

On behalf of the Eighth and
Ninth Respondents: The State Attorney
8th Floor, Bothongo Heights
167 Andries Street
PRETORIA

On behalf of the

Eleventh Respondent:

Coombe & Associates

Cnr. Watloo & Flamink Streets

Silverton

PRETORIA

On behalf of the

Twelfth Respondent:

Booyens & CO Inc.

C/O Velile Tinto & Assoc. Inc

Tinto House

Cnr. Hans Strijdom & Disselboom

Wapadrand

Pretoria