

FREE STATE HIGH COURT, BLOEMFONTEIN
REPUBLIC OF SOUTH AFRICA

Case No.: 2516/2012

In the matter between:-

GARIEP MUNICIPALITY, BURGERSDORP

Applicant

and

NUCON ROADS & CIVILS (PTY) LTD

Respondent

JUDGMENT BY:

KRUGER, J

DELIVERED ON:

13 DECEMBER 2012

[1] This is an application for leave to appeal against my judgment of 8 November 2012. By agreement counsel filed written heads of argument and the application was disposed of in chambers as contemplated in **LAW SOCIETY, NORTHERN PROVINCE V MOGAMI** 2010 (1) SA 186 (SCA) par [3].

[2] The main point raised by Mr. Sandi, for Applicant, is that of jurisdiction. Mr. Sandi contends that because payment is made by means of electronic transfer from applicant's account at Burgersdorp, that is where payment is made. That submission is not correct. Payment means the receipt

of payment, by the creditor. According to the contract payment is to be made into respondent's account at Bloemfontein. It is irrelevant from where the debtor pays. Payment is made at Bloemfontein, in the jurisdiction of this court. I addressed all points raised by the applicant in the judgement. In my view there are no reasonable prospects of success on appeal.

[3] ORDER

The application for leave to appeal is dismissed with costs.

A KRUGER, J

On behalf of the applicant: Adv. N. J. Sandi
Instructed by:
Honey Attorneys
BLOEMFONTEIN

On behalf of the respondent: Adv. N. Snellenburg
Instructed by:
Rossouws Attorneys
BLOEMFONTEIN