

IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

NOTE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES/NO. ☒ YES ☐ NO.

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

(3) REVISED. ☐

20.11.09
DATE


SIGNATURE

20/11/2009
CASE NUMBER: 19638/2008

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

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

ONECOR (PROPRIETARY) LIMITED

ELEVENTH RESPONDENT

JUSELIUS, JOHAN ERIK

TWELVE RESPONDENT

JUDGMENT

Du Plessis, J:

In the course of the application for leave to appeal the second respondent in the main application (First Rand Bank Limited) sought an order to amend paragraph 11 of this court's order by adding thereto the words "whilst the consumer remains in default". The contention is that the order as it stands creates or might create practical difficulties with its interpretation. No other party raised the same or a similar problem.

Paragraph 11 was granted exactly in the terms that the applicant in the main application sought. Consequently, the order as it stands is not the result of an error. To the extent that this court might have the power to amend the order by reason of an ambiguity, the order is the subject of an appeal to the Supreme Court of Appeal. In my view the question as to whether the order should be amended should be left to that court.

The application to amend this court's order is dismissed.



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

Adv. C.D.A. LOXTON SC

Adv. M.A. Chohan

On behalf of the First to Sixth

Respondents:

Werksmans Inc.

C/O Edelstein Bosman

220 Lange Street

Nieuw Muckleneuck

PRETORIA

Adv. M.D. Kuper SC ✓

Adv. J.M.A. Cane

On behalf of the first

Respondent

Adv. D.E Van Loggerenberg(SC) ✓

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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

Adv. C.D.A. LOXTON SC
Adv. M.A. Chohan

On behalf of the First to Sixth
Respondents:

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

Adv. M.D. Kuper SC ✓
Adv. J.M.A. Cane

On behalf of the first
Respondent:

Adv. D.E Van Loggerenberg(SC) ✓

On behalf of the

Second Respondents:

Van Hulsteyns Attorneys
C/O Savage Jooste and Adams
141 Boshoff Street
Nieuw Muckleneuk
PRETORIA

Adv. G. Farber (SC)

Adv. N. Konstantinides ✓

On behalf of the

Fourth Respondent:

Jay Motohbi Inc.
C/O Savage Jooste and Adams
C/O Savage Jooste and Adams
141 Boshoff Street
Nieuw Muckleneuck
PRETORIA

Adv. G.H. Meyer

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

Adv. P.F. Louw SC

Adv. S. Gouws



On behalf of the
Twelfth Respondent:

Booyens & CO Inc.
C/O Vellie Tinto & Assoc. Inc
Tinto House
Cnr. Hans Strijdom & Disselboom
Wapadrand
Pretoria

Adv. KJ. Kemp SC ✓