IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.

[redacted]

SIGNATURE DATE: 22 April 2025

Case No. 2022-060849

STANDARD BANK OF SOUTH AFRICA	Applicant
and	
REGENERGY (PTY) LTD	First Respondent
LOUISE MACQUEST	Second Respondent

JUDGMENT

WILSON J:

1 On 6 March 2024, the applicant, Standard Bank, approached me in my unopposed motion court with an application for default judgment on a loan agreement brought against the first respondent, Regenergy. Standard Bank had first approached the registrar for default judgment, but the registrar had referred the application to open court.

2 I refused default judgment because the second respondent, Ms. Macquest, who had been joined as the putative guarantor of Regenergy's obligations under the loan agreement, had filed a plea setting out a defence which, if accepted, would have absolved Regenergy from liability as well. At paragraphs 20 and 21 of her plea, Ms. Macquest pleaded that the terms of the loan agreement had been novated, and that Regenergy had complied with the varied terms. So, while Regenergy was technically in default, there was a defence apparent on the papers that would have been a complete answer to Standard Bank's claim against Regenergy.

3 On these facts, I took the view that default judgment could not be granted, and that the claim against Regenergy would have to dealt with together with the claim against Ms. Macquest. I explained my view to Standard Bank's counsel, Ms. Mashishi, and invited her to make submissions to the contrary, She declined to do so. Accordingly, I exercised my well-known discretion to refuse judgment by default (on which see, for example, *Mbonambi v Road Accident Fund* [2024] ZAGPPHC 455 (21 May 2024), paragraph 18).

4 I explained my view to Ms. Mashishi in some detail, so as to enable her to convey my reasons for refusing default judgment to her attorney. I also said that I was happy to provide my reasons in writing if they were applied for.

5 On 14 April 2025, well over a year after I refused default judgment, Standard Bank's attorney applied for my reasons in writing. The year-long delay was neither alluded to nor explained. Strictly speaking, reasons, if required, should have been requested within 10 days of my order (Rule 49 (1) (c)). Standard Bank's attorney appeared neither to appreciate that this was required nor

particularly concerned that it had taken them 13 months to ask for reasons. That, in my view, was unfortunate.

6 Be that as it may, these are my reasons for refusing default judgment.

[redacted]

S D J WILSON
Judge of the High Court

This judgment is handed down electronically by circulation to the parties or their legal representatives by email, by uploading it to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 22 April 2025.

HEARD ON:	6 March 2024
DECIDED ON:	6 March 2024
REASONS REQUESTED:	14 April 2025
REASONS PROVIDED:	22 April 2025
For the Applicant:	K Mashishi Instructed by Venns Attorneys

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