

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NUMBER: 2022-001657

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED.
	
Name: L. PUTTER AJ	Date: 21 MAY 2025

In the matter between:

TECHNOLOGIES ACCEPTANCES RECEIVABLES (PTY) LIMITED	First Plaintiff
FINTECH UNDERWRITING (PTY) LIMITED	Second Plaintiff
SUNLYN (PTY) LIMITED	Third Plaintiff

and

SELEBOGO INCORPORATED	First Defendant
SELEBOGO, TSHEBOENG BEATRICE	Second Defendant

This judgment was handed down electronically by circulation to the parties' and/or the parties' representatives by email and by being uploaded onto CaseLines. The date and time for hand-down is deemed to be on 22 May 2025.

ORDER

Having heard Counsel for the parties and having read the papers, it is Ordered that:

1. Summary judgment is hereby refused.
2. The defendants are granted leave to defend.

3. Costs in respect of summary judgment are to be costs in the cause.

By order,

REGISTRAR

JUDGMENT

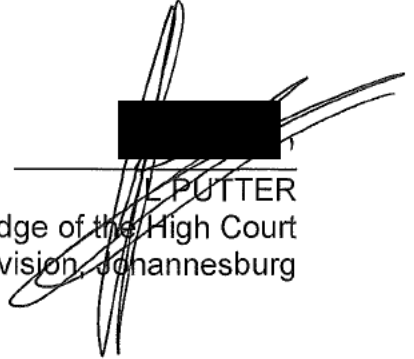
PUTTER AJ:

INTRODUCTION

- [1] The first plaintiff in this matter is Technologies Acceptances Receivables (Pty) Limited. The second plaintiff is Fintech Underwriting (Pty) Limited and the third plaintiff is Sunlyn (Pty) Limited.
- [2] The first defendant is Selebogo Incorporated, a firm of attorneys and the second defendant is Ms Selebogo, an admitted attorney.
- [3] On 19 July 2017, 8 May 2018 and 30 July 2018 the defendants entered into several rental agreements ("**Rental Agreements**") with the third plaintiff in respect of what is referred to in the agreements as "Office Automation Equipment" which the defendants used in the conduct of their business activities. In the pleadings, the equipment is referred to as 3 printing machines and a PABX system.
- [4] Although the defendants merely noted in the Plea that the Rental Agreements were entered into, and denied that the restructuring as pleaded by the plaintiffs took place, the defendants' legal adviser in his heads of argument accepted that the defendants entered into the Rental Agreements.
- [5] Although several Special Pleas were raised by the defendants, it was specifically stated by the Defendants' that the Rental Agreements were terminated on 9 November 2020, as appears from the termination letter attached to the Plea.¹

¹ Caselines: 01-248; Annexure S1, letter dated 9 November 2020.

- [6] The termination letter further records that three printing machines and the PABX system were removed from the defendants' premises, by the Plaintiffs'.
- [7] From the affidavits filed in support of the summary judgment application, it is clear that this dispute between the parties relates to the defendants' rights to cancellation as well as the rights flowing therefrom and the plaintiffs' repossession of the equipment in the "beginning of 2020".
- [8] Although, in addition thereto, the defendants raised a Special Plea in respect of jurisdiction wherein it contested the specific jurisdiction of this Court, as well the effect of the arbitration clause in the Rental Agreements, these are issues to be ventilated at trial.
- [9] I am of the view that the cancellation and effect of the repossession of the equipment are triable issues which fly in the face of a summary judgment application. In respect of these issues, and given summary judgment procedures, I cannot find that the plaintiffs have an unassailable case with regards to their claims. I am therefore not prepared to close the door of the Court to the defendants without a trial. It is trite that the rationale of summary judgment procedures is not to deprive a litigant of a trial where he/she has a sustainable defence.



J. PUTTER
Acting Judge of the High Court
Gauteng Division, Johannesburg

Heard: 21 November 2024
Judgment: 22 May 2025

Appearances:

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