



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2024-036047

1. Reportable: No
2. Of interest to other judges: No
3. Revised

6 October 2025

WRIGHT J

In the matter between:

SASFIN BANK LIMITED

APPLICANT

and

DELVEX 52 CC

FIRST RESPONDENT

FAUL, JOHANN LOURENS

SECOND RESPONDENT

JUDGMENT – WRIGHT J

1. Crisply put, in this application for summary judgment, the first respondent, Delvex leased certain security equipment from a lessor. The second respondent, Mr Faul guaranteed the debt. The applicant, Sasfin sues as plaintiff and as cessionary of the rights previously enjoyed by the cedent. Sasfin alleges that Delvex breached the agreement by non-payment. Sasfin seeks arrear amounts allegedly owing and it seeks the return of the equipment as owner.
2. In the plea, it is raised as a defence that the relevant agreement was induced by fraud. Giving chapter and verse, it is alleged that certain persons, acting on behalf of an entity known as Daisy and at least one of the cedents, fraudulently represented to the respondents that, while Delvex had previously bought certain security equipment from Panasonic, Daisy was “ taking over “ from Panasonic and that the respondents needed to sign documents so that an agreement could be concluded with Daisy. It is alleged that not only was the fraud material and about the identity of the other contracting party but also about the nature of the agreement.
3. Before me now, Sasfin seeks summary judgment against Mr Faul for the alleged arrears, interest and costs. The affidavit opposing summary judgment, like the plea, raises a number of defences, including the one referred to above.
4. In my view, a bona fide defence and triable issue are raised on the issue set out above.



ORDER

1. The second defendant is granted leave to defend, costs in the cause.

HEARD : 6 October 2025

DELIVERED : 6 October 2025

APPEARANCES :

APPLICANT Adv JG Botha

Instructed by ODBB Attorneys

lelanie@odbb.co.za

2nd RESPONDENT Adv P Griessel

Instructed by Herbie Oosthuizen and Associates

hanno@holaw.co.za