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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2024-053190

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

1 September 2025

SIGNATURE WRIGHT J

In the matter between:

C[...] R[...] A[...] D[...] P[...] V[...]

APPLICANT

and

L[...] V[...]

FIRST RESPONDENT

R[...] V[...]

SECOND RESPONDENT

JUDGMENT – WRIGHT J

WRIGHT J

1. The applicant, Mr V[...] was married to Ms L[...] V[...], the first respondent. Their daughter, R[...] V[...] is the second respondent.
2. Mr V[...] issued summons against the respondents and now seeks summary judgment.
3. Mr V[...] alleges an oral loan agreement under which he would advance R 1 690 000 to the respondents so that they could buy a house to live in. His minor

son would also live there. He alleges that it was agreed that the loan be repaid at R15 000 per month. He alleges breach by the respondents by way of short payment. He alleges an acceleration clause in the event of default.

4. The plea read with the affidavit resisting summary judgment agrees that the sum alleged was borrowed and advanced. The respondents say that repayment would be as and when they could afford repayments but that repayment would be within 240 months, that is 20 years. 20 years is way in the future.
5. At least one email, dated some nine months after the date of the loan agreement, from Mr V[...] to Ms L[...] V[...] says that “ *You must get your finances in order so that we can finalise the details of the loan.* “ This email contradicts the particulars of claim and is in line with the defence. A triable issue is raised.

ORDER

1. The defendants are granted leave to defend, costs in the cause.

GC WRIGHT
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

HEARD : **1 September 2025**

DELIVERED : **1 September 2025**

APPEARANCES :

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