

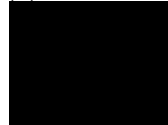
IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

CASE NO: 112275/2023

DATE: 21-01-2026

DELETE WHICHEVER IS NOT APPLICABLE
(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED



SIGNATURE

DATE: 21 January 2026

In the matter between

SAINT-GOBAIN CONSTRUCTION (PTY) LTD

Plaintiff

and

MATHULA INVESTMENT AND
CONSTRUCTION CC AND OTHERS

Defendants

J U D G M E N T *EX TEMPORE*

WILSON, J: The plaintiff brings a claim for fraud and unjustified enrichment against the defendants. This is an application to compel a response to the plaintiff's request for further particulars.

The plea filed in respect of both the claim for fraud and the claim for unjustified enrichment consists in substance of a bare denial. The plaintiff took the view, quite understandably, that the bare denial was insufficient to disclose a defence - at least to the claim for unjustified enrichment. In order to work out what the defence to the enrichment claim is, the plaintiff

seeks particularity of what payments, if any, the defendants admit receiving and whether those payments were for value under any contract between the parties.

These are the standard particularities I would expect to see in any plea to an enrichment action of this nature. The best I can say about the defendants' plea as it currently stands is that it is evasive. The plaintiff is plainly entitled to the rather limited particulars it seeks and I shall make an order compelling compliance with the request for further particulars in terms of the draft order handed up by the plaintiff's counsel. That draft is signed, dated and marked "X".



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WILSON, J
JUDGE OF THE HIGH COURT
DATE: 21 January 2026