THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

(1) REPORTABLE: Yes☐/ No ☒
(2) OF INTEREST TO OTHER JUDGES: Yes☐ / No ☒
(3) REVISED: Yes ☒ / No ☐

Date: 27 March 2026 [redacted]

Case no 2026-059252

In the matter between:

PADDY PROPERTIES (PTY) LTD	Applicant
and	
RSB DEBT COLLECTING AND TRACING (PTY) LTD	First Respondent
BEHRTEL: SUZANNE LYNN	Second Respondent
DEAL DESIGN (PTY) LTD T/A CENTURY 21 SOUTH AFRICA	Third Respondent
TRANSUNION CREDIT BUREAU (PTY) LTD	Fourth Respondent

JUDGMENT

DU PLESSIS J

Introduction

[1] This is an urgent application in which the applicant seeks interdictory relief, restraining the second and third respondents from proceeding with an adverse credit

listing against it with the fourth respondent or any other credit bureau. The first, second and third respondents oppose the application.

[2] The underlying dispute arises from three franchise agreements concluded between the applicant and the third respondent. According to the papers, the applicant fell into arrears with its franchise fee obligations in August 2024. Payment arrangements were concluded on 9 and 10 September to address those arrears and to provide for the ongoing payment of current invoices.

[3] It is the respondent's submission that the applicant defaulted under that payment arrangement, prompting the issuance of a notice of breach in January 2026 and the cancellation of the franchise agreement in February 2026. The matter was then handed over to the first and second respondents for collection. The first respondent then issued a letter to the applicant on 2 March 2026, which triggered this application.

[4] It is the applicant's submission that the 2 March 2026 letter constituted a formal notice as contemplated in section 72 of the National Credit Act ("the Act"),[1] and that, upon expiry of the period prescribed in the Act, a permanent adverse listing would automatically follow. On that footing, counsel for the applicant argued that the "egg could not be unscrambled" once such a listing had been uploaded to a credit bureau, and that no substantial redress would be available in due course once the listing is made. Such an adverse credit listing, they say, would have immediate and irreparable consequences for its business. They view the threatened listing as unlawful and coercive, as it is issued in the context of an ongoing bona fide dispute over the underlying indebtedness.

[5] The respondents, in argument before me, made it clear that they do not regard the 2 March 2026 letter as a section 72 notice within the meaning of the NCA and that it has not been acted upon as such. Rather, it was characterised as internal collection correspondence between a creditor and debtor, not a prescribed notification to a credit bureau, and no third party has been informed of any adverse listing. There is,

[1] 34 of 2005.

therefore, on the respondents' version, no listing and no notice in the statutory sense. They further gave an undertaking, repeated in correspondence before the hearing and again during argument, that the applicant will not be listed with any credit bureau in respect of this disputed indebtedness pending resolution of the underlying dispute in the appropriate forum. The respondent submitted that, in light of such an undertaking, the urgency of the applicant's claim had fallen away entirely. They submitted that the matter is to be struck from the urgent roll, and that, should the applicant remain concerned about the potential future listing, it has adequate remedies under the NCA itself, including sections 72(2)-(5), to challenge a potential listing before it is made.

[6] Section 6(12) of the Uniform Rules of Court deals with the well-known requirements for urgency. The test is whether the applicant will be afforded substantial redress at a hearing in due course. *Luna Meubel Vervaardigers (Edms) Bpk v Makin*[2] is the classic authority that an applicant must make out a case in the founding affidavit to justify the urgency. Another well-known authority in the urgent court is *East Rock Trading 7 (Pty) Ltd v Eagle Valley Granite (Pty) Ltd*,[3] where the court held:

> "[…] the applicant must state the reasons why he claims that he cannot be afforded substantial redress at a hearing in due course. The question of whether a matter is sufficiently urgent to be enrolled and heard as an urgent application is underpinned by the issue of absence of substantial redress in an application in due course."

[7] Of course, the reason is that the urgent court should not be burdened with disputes that can be resolved elsewhere. The enquiry is then a practical one: does the applicant face imminent, irreversible prejudice which cannot be adequately remedied by the ordinary processes of the court or by other available legal mechanisms?

[8] In my view, the answer in this case must be no. The respondents do not accept that the 2 March 2026 letter was a section 72 notice, and they have now confirmed, on record, that such a notice has not been submitted to any credit bureau. This means that the anticipated harm has not materialised, and on the respondents' undertaking

[2] 1977 (4) SA 135 (W).

[3] 2012 (2) SA 506 (GSJ) at para 6.

will not materialise pending the resolution of the underlying dispute in the appropriate forum.

[9] Furthermore, the undertaking given by the respondents is sufficient to ward off any present urgency. The respondents undertook not to list the applicant pending resolution of the dispute. In the face of such an undertaking, there is no urgency.

[10] Moreover, the Act itself provides, in section 72, a mechanism for a consumer who wishes to challenge potential adverse listings, including the right to challenge the accuracy of the information. Section 72(5) provides that, where a consumer challenges the accuracy of consumer credit information, the credit bureau may not report the information until the challenge is resolved. Those mechanisms constitute substantial redress in the ordinary course.

[11] Applying the test in *Luna Meubels* and *East Rock Trading*, I am not satisfied that the applicant has shown that it cannot obtain substantial redress in due course. The respondents' undertaking has removed the threat of immediate, irreversible harm. The applicant has adequate remedies under the Act and in the ordinary course of litigation to pursue its rights in respect of the underlying dispute.

[12] In their dealings, the parties ought to employ the remedies afforded by law as tools for orderly dispute resolution, rather than as means to enforce their will upon each other outside the proper fora. It is to those remedies, pursued in the ordinary course and in accordance with the prescripts of the law, that they must now turn.

[13] The matter accordingly falls to be struck from the urgent roll for lack of urgency. Both parties' confrontational conduct has contributed to this matter reaching the urgent roll, which, in my view, does not justify a punitive costs order as sought. An ordinary order that costs follow the result is sufficient.

Order

[14] The following order is made:

1. The application is struck from the urgent roll for lack of urgency.
2. The applicant is ordered to pay the costs, to be taxed on scale B.

[redacted]

WJ du Plessis
Judge of the High Court Gauteng Division, Johannesburg

Date of hearing:	26 March 2026
Date of judgment:	27 March 2026
For the applicant:	J Steyn instructed by DND Attorneys
For the respondent:	J Sullivan instructed by Pistorius-Scheepers Attorneys Inc