



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2025-005069

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

16 March 2026

WRIGHT J

A handwritten signature in black ink, which has been partially redacted with a black bar.

SIGNATURE

In the matter between:

NEDBANK LIMITED

APPLICANT

and

73 MICHELLE AVE (PTY) Ltd

FIRST RESPONDENT

OTHER RESPONDENTS

SECOND to FIFTH RESPONDENTS

JUDGMENT – WRIGHT J

1. Nedbank launched proceedings seeking judgment against the first respondent, for repayment of a loan, and against the other respondents, as sureties.
2. What is before me now is the claim against the third respondent surety.
3. The third respondent has delivered a third party notice to a third party. The third respondent seeks an indemnity in the event of a finding against the third respondent.
4. The answering affidavit by the third respondent alleges that he was entitled to be released by the bank from his suretyship. He points to two emails. In the first, he asked to be released. In the other, the reply, a bank employee wrote “ No problem “.
5. The answering affidavit gives context to this exchange of emails. The replying affidavit suggests that the exchange of emails relates to a different suretyship.
6. I can't find, on paper, either that the bank waived its rights or that the email meant something other than what it appears, literally, to say.
7. It would be unwise to attempt to decide this case without pleadings, discovery and a trial. Lack of authority may need to be pleaded.

ORDER.

1. The notice of motion stands as a simple summons.
2. The notice to oppose stands as a notice of intention to defend.
3. The applicant is to deliver a declaration by 31 March 2026.
4. Thereafter, the matter proceeds as an action.

5. Costs reserved.

A black rectangular redaction box covers the signature of the judge. A small handwritten mark is visible above the box.

WRIGHT J

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 16 March 2026

DELIVERED : 16 March 2026

APPEARANCES :

APPLICANT Ms S Kabelo

Instructed by KWA Attorneys

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THIRD RESPONDENT Adv R Blumenthal

Instructed by Rademeyer Attorneys

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