

Reportable:	YES / NO
Circulate to Judges:	YES / NO
Circulate to Regional Magistrates:	YES / NO
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**IN THE HIGH COURT OF SOUTH AFRICA
(NORTHERN CAPE DIVISION, KIMBERLEY)**

Case No: **1319/2024**

In the matter between:

**PRYASA TRADE 1094 CC t/a C-PAC PUMPS
AND VALVES**

Plaintiff

and

**SOL PLAATJE MUNICIPALITY
TRUE BUILD SERVICE CC**

First Defendant
Second Defendant

Neutral citation: *Pryasa Trade 1094 CC t/a C-PAC Pumps & Valves*
(Case No: 1319/2024)

Coram: Coetzee AJ

Date of Judgment: 27 March 2026

ORDER

- [1] The plaintiff's exception to the first defendant's plea is upheld.
 - [2] The First defendant is granted leave to amend its plea within 10 (ten) days of this order.
 - [3] In the event that the First defendant fails to amend its plea within the prescribed period, the plaintiff may apply for further relief.
 - [4] The defendant is ordered to pay the costs of the application on Scale C.
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JUDGMENT

- [1] This matter concerns an exception raised by the plaintiff to the first defendant's plea on the basis that it is vague and embarrassing and/or lacks averments necessary to sustain a defence.
- [2] The plaintiff excepts to the first defendant's plea on two principal grounds:
 - 2.1 That the plea fails to disclose a defence recognised in law; alternatively.
 - 2.2 That the plea is vague and embarrassing to the extent that the plaintiff is prejudiced in formulating a proper replication.
- [3] It is trite that an exception is a legal objection to the opponent's pleading and should be pleaded with precision¹ It is not sufficient to plead, without sufficient clarity and particularity. The excipient must satisfy the Court that:

¹ *Manyatsaba v South African Post Office Ltd* [2008] 4 All SA 459 (T) para 4 and 5.

- 3.1 On every reasonable interpretation of the pleading, no cause of action or defence is disclosed; or
- 3.2 The pleading is so vague and embarrassing that it is excipiable.

In considering an exception:

- 3.4 The Court accepts the factual allegations in the impugned pleading as true.
- 3.5 The excipient bears the onus to demonstrate that the pleading is excipiable.
- 3.6 An exception should not be upheld unless the excipient would be seriously prejudiced if the pleading stands.

A plea must contain a clear and concise statement of the material facts upon which the party relies, with sufficient particularity to enable the opposite party to reply thereto.

[4] The defendant's plea alleges that the amount ceded has been paid and that the plaintiff did not comply with the provisions of section 3 (2) of Act 40 of 2002. In this regard, Mr Groenewald on behalf of the first defendant raised a triable defence and that the exception should, on this ground alone, be dismissed. I do not agree in that the plaintiff may if necessary apply for condonation.

[5] However, the plea does not set out:

- 5.1 The factual basis underpinning the defence.

- 5.2 The necessary averments to sustain the defence in law.
 - 5.3 Sufficient particularity to enable the plaintiff to meaningfully respond.
- [6] The defendant's plea lacks particularity regarding the date of payment, but more so avers that payment was made to the second defendant.
- [7] Where a defendant relies on a specific defence, it is incumbent upon it to plead the facts necessary to sustain that defence. The absence of such facts renders the plea excipiable. On any reasonable interpretation, the plea does not disclose a complete defence in law.
- [8] Alternatively, the excipient avers that the plea is vague and embarrassing. The test is whether:
- 8.1 The vagueness strikes at the root of the cause of action or defence; and
 - 8.2 The excipient would be prejudiced if compelled to plead to it.
- [9] In the present matter:
- 9.1 The plea lacks clarity as to the factual basis of the defence.
 - 9.2 It is unclear what case the defendant seeks to advance.
 - 9.3 The plaintiff is unable to meaningfully respond without speculation.

- [10] This results in prejudice to the plaintiff, as it cannot properly plead over and or reply .
- [11] The prejudice to the plaintiff is self-evident. The absence of particularity prevents the plaintiff from knowing the case it must meet, pleading a proper replication or prepare for trial.
- [12] Such prejudice justifies the upholding of the exception.
- [13] The defendant's plea is excipiable on both grounds advanced. It fails to disclose a defence and is, in any event, vague and embarrassing.

In the result, the following order is made:

1. **THE PLAINTIFF'S EXCEPTION TO THE FIRST DEFENDANT'S PLEA IS UPHELD.**
2. **THE FIRST DEFENDANT IS GRANTED LEAVE TO AMEND ITS PLEA WITHIN 10 (TEN) DAYS OF THIS ORDER.**
3. **IN THE EVENT THAT THE FIRST DEFENDANT FAILS TO AMEND ITS PLEA WITHIN THE PRESCRIBED PERIOD, THE PLAINTIFF MAY APPLY FOR FURTHER RELIEF.**
4. **THE DEFENDANT IS ORDERED TO PAY THE COSTS OF THE APPLICATION ON SCALE C.**


COETZEE AJ
HIGH COURT OF SOUTH AFRICA
NORTHERN CAPE DIVISION,
KIMBERLEY

For the Plaintiff:
On instruction of:

ADV AG VAN TONDER
Engelsman Magabane Inc.
Kimberley

For the First Defendant:
On instruction of:

MR SJ GROENEWALDT
Towell & Groenewaldt Attorneys
Kimberley