


**REPUBLIC OF SOUTH AFRICA**



**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, JOHANNESBURG**

**Case Number: 2025-010207**

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

  
WRIGHT J

8 June 2026

In the matter between:

**ABSA BANK LIMITED**

**APPLICANT**

and

**BAHWITI INVESTMENTS CC**

**FIRST RESPONDENT**

**DAVID MOGASHOA**

**SECOND RESPONDENT**

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## JUDGMENT

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### WRIGHT J

1. The applicant bank launched an application against the first respondent as principal debtor and the second respondent as surety.
2. The applicant sold a number of vehicles to the first respondent. It alleges that the first respondent breached the agreements, the applicant cancelled the agreements and now seeks return of the vehicles.
3. The answering affidavit of Mr Mogashoa, who admits signing as surety, is concise indeed.
4. It is alleged, baldly, that the first respondent pays as per the agreements.
5. The replying affidavit alleges that after the application was launched a number of payments were made which have the effect of settling some of the accounts. As a result, less relief is now sought than was sought in the original notice of motion. The return of fewer vehicles is now sought.
6. In my view, the vague denial of being in arrears when the application was launched is contradicted by the proof of late payments after the application was launched. There is no defence to the lesser relief now sought.
7. Mr Thobejane, for the respondents, admitted in argument that the answering affidavit does not show that the arrears, relating to the vehicles now sought to be returned, have been paid.
8. The relief now sought is only against the first respondent.
9. Mr Kloek for Absa handed up a draft order seeking the lesser relief.

## ORDER

1. X



Wright J

Heard on: 8 June 2026

Delivered on: 8 June 2026

Appearances:

For the Applicant: Adv. JW Kloek

Instructed by: Marriane Pretorius

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For the Respondents: Mr LE Thobejane

Instructed by: Botha Massyn and Thobejane

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