

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT
OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 15 March 2007

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

PCL CONSULTING (PTY) LTD t/a PHILLIPS CONSULTING SA v
TRESSO TRADING 119 (PTY) LTD

The plaintiff, Tresso Trading, sued the defendant, Phillips Consulting SA, for arrear rent payable in respect of immovable property hired by the defendant. The written lease misdescribed the premises let and the plaintiff accordingly sought its formal amendment. When the defendant entered appearance to defend the action, the plaintiff claimed summary judgment, alleging that the defendant had no defence and was merely seeking further to delay payment. The defendant argued that formal amendment of the lease could not be sought in summary judgment proceedings. The SCA disagreed because the plaintiff's allegations that the lease misdescribed the premises let, were not disputed by the defendant. The defendant also sought to have the matter referred to arbitration but the SCA held that the defendant had raised no dispute requiring arbitration. The order of the Johannesburg High Court directing the defendant to pay the arrears, was confirmed.

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