

**IN THE CONSTITUTIONAL COURT
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: CCT52/13

In the matter between:

DESTRI JOSEPH MALCOLM FERRIS First Applicant

SORAYA LACHPORIA FERRIS Second Applicant

and

FIRSTRAND BANK LIMITED First Respondent

D LEE Second Respondent

FIRST RESPONDENT'S PRACTICE NOTE

1. The names of the parties and the case number are set out above.
2. The nature of the proceedings

Application for leave to appeal against an order of the Supreme Court of Appeal refusing leave to appeal from a decision in the

South Gauteng High Court dismissing the applicants' application for rescission of a default judgment.

3. The issues that will be argued

3.1. Whether, even though a constitutional issue is raised, it is in the interest of justice that leave to appeal be granted or that the appeal succeeds.

3.2. The merits of the appeal, in the context of a rescission of judgment, involving:

3.2.1. Whether an applicant is entitled to rely on the gross negligence of the attorney as an explanation for the default;

3.2.2. Whether an applicant is entitled to a rescission of a default judgment when the only issues raised are the non-compliance with the provisions of the National Credit Act 34 of 2005 and the existence of a debt review order in respect of which there has been a default, which do not give rise to any triable issue.

4. The portions of the record referred to in the written argument are necessary for the determination of the matter.
5. The estimated duration of oral argument is two to three hours.
6. A summary of the argument is attached.
7. A list of authorities on which the first respondent relies is attached.

ANDRÉ GAUTSCHI SC

M REINEKE

Chambers
Sandton
26 September 2013