

IN THE SOUTH GAUTENG HIGH COURT

(JOHANNESBURG)

CASE NUMBER: 08/42229

In the matter between: -

McCRAE, GORDON ANDREW

Plaintiff/Respondent

and

ABSA BANK LIMITED

Defendant/Excipient

Headnote:

Incorporation of the English rule of law against double recovery/double jeopardy since 1843 into South African law - examination of the rationale for such rule - how the risk of double jeopardy/double recovery is assessed - exceptions to the rule which have been recognized and the rationale to be extracted therefrom – the question whether there is duty of care and negligence are matters of policy - how such policy is approached.