

IN SOUTH GAUTENG HIGH COURT

JOHANNESBURG

CASE NO: 00075/08

DATE: 02/12/2010

10 In the matter between

BLUHM BURTON ENGINEERING (PTY) LTD

Plaintiff

and

NOVA RISK PARTNERS LIMITED

First Defendant

WSP GROUP SA (PTY) LIMITED

Second Defendant

GUARANTEE PLACINGS (PTY) LIMITED

Third Defendant

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J U D G M E N T

WILLIS J:

[1] The applicant has made an application for an order as follows:-

“That the plaintiff’s combined summons be amended by the

deletion of the word 'group', and the substitution therefor of the words 'Consulting Engineers' in the citation of the second defendant on the face of the summons in paragraph 3 of the particulars of claim and costs of suit."

[2] It is common cause, and indeed quite clear from the papers before me, that the agreement upon which the plaintiff relies is an agreement concluded with WSP Consulting Engineers SA (Pty) Ltd. It is trite that the purpose of pleadings is to allow a full and proper ventilation of the issue. Accordingly, in
10 order to allow a ventilation of the issues fully the amendment shall be allowed.

[3] Insofar as costs is concerned, it seems to me that the appropriate order is to direct that the costs be costs in the cause.

[4] Accordingly, an order is made in terms of prayer 1 of the notice of motion dated 14 July 2010 and it is ordered that the costs of the application be costs in the cause.

20 Counsel for the Applicant: Adv *J Peter* SC

Attorneys for the Applicant: Fluxmans Inc.

Counsel for the Respondent (Second Defendant): Adv J.F. *Steyn*

Attorneys for the Respondent (Second Defendant): Deneys Reitz Inc

Date of hearing: 2nd December, 2010

Date of judgment: 2nd December, 2010