

**SOUTH GAUTENG HIGH COURT**

**JOHANNESBURG**

**CASE NO:**32615/07

**DATE:**01/04/2011

In the matter between

10

BETTERBRIDGE LTD

Applicant

and

OBAKENG GAITATE

Respondent

---

J U D G M E N T

---

WILLIS, J:

20 [1] This is an application for rescission of a default judgment granted against the present applicant. The present applicant has appeared in court twice this year and twice this year a postponement has been granted in order to assist the applicant to obtain legal representation and explore a way of resolving the matter. Earlier this week, I too

01/04/2011

indicated that I was prepared to hold the axe over until Friday morning to give them an opportunity to let them resolve the matter.

[3] At the end of the day, there really is no good cause shown why there should be a rescission. All that there is, is a plea *ad misericordiam*. One obviously feels sorry for the applicant. It is not pleasant to have a judgment granted against one but the court is not a charitable institution. If a person has no defence to a claim and a judgment has been granted, there is no good reason to set aside the judgment.

[4] Accordingly, the following order is made:

10                   The application is dismissed with costs.