

REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT  
JOHANNESBURG

CASE NO: 21621/2012

In the matter between:

**ACS TRADING CC**

First Plaintiff

**AGGELIK KAVOURAS**

Second Plaintiff

and

**THE STANDARD BANK OF  
SOUTH AFRICA LIMITED**

Defendant

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**S U M M A R Y**

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**MAKUME, J:**

- Applicant and Defendant judgment in open court in terms of Rule 31(2)(a) read with Rule 31(5)(a)(b) of the Rules of Court.
- Such application bears characteristics of an ex parte application. Applicant in such application required to make full disclosure of all relevant factors.
- Plaintiff suing defendant for damages resulting from the sale of hypothecated property wherein Plaintiffs as mortgagors had defaulted

in bond repayment. On sale such property mortgagers lost title to such property and not entitled to provide of subsequent sale to third parties.

- Failure to disclose full facts court justifies in its discretion to grant absolution from the instance