

IN THE HIGH COURT OF SOUTH AFRICA (SOUTH GAUTENG)**JOHANNESBURG****CASE NO:** 32414/12**DATE:** 2012-11-28

10 In the matter between

RAMNATH DESSIE

Plaintiff

and

FIRSTRAND BANK LIMITED

Defendant

J U D G M E N T

WILLIS, J:

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[1] There should be a motto, *ex curia Johannesburgensis semper aliquid novi*: out of the Johannesburg High Court there is always something new. This is an application in which an exception has been taken.

[2] The claim of the plaintiff is bizarre, to say the least. The plaintiff's claim is based on the fact that his wife had an extramarital affair with someone while his wife was working at FirstRand Bank Limited. The plaintiff's claim rests on the premise that FirstRand Bank Limited are somehow responsible for his pain and suffering as a result of this affair.

[3] I know that litigants can be imaginative here in Johannesburg, but this is one that deserves a special prize. There is no such claim recognised in our common law. I am quite confident that, no matter how
10 much judges of this division may try to develop the common law, we are not, in this country, going to start allowing awards of damages against employers because people fall in love while they are at work. This happens all the time. It has happened, and will no doubt continue to happen until the cows come home.

[4] The exception is well taken. The defendant has now applied for a postponement on the basis of indisposition, but I fully agree with Advocate *Rose*, who appears for the excipient, that there is no point in procrastinating with this matter. There is no point in prolonging the pain
20 and the agony.

[5] The application for a postponement is dismissed. Counsel for the plaintiff, seeking the postponement, was not instructed to argue the merits of the matter. The merits of the matter are clearly unmeritorious and, accordingly, the defendant's exception is upheld. The plaintiff is to

pay the defendant's costs in this exception.

WILLIS J

JUDGE OF THE HIGH COURT