

REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO: 2011/33789

(1)	<u>REPORTABLE: YES / N</u>
(2)	<u>OF INTEREST TO OTHER JUDGES: YES/NO</u>
(3)	<u>REVISED.</u>
.....
DATE	SIGNATURE

In the matter between:

THE STANDARD BANK OF SOUTH AFRICA

Applicant

and

RENICO CONSTRUCTION (PTY) LTD

Respondent

SUMMARY

SUTHERLAND J:

Headnote: Application by cessionary for payment of debt due by respondent to cedent – respondent alleging the debt due by it to cedent extinguished by set-off – the question of the ‘liquidated’ nature of the reciprocal debts in issue - the use of a judicial discretion in a fact finding exercise to determine ‘liquidity’ criticised but nevertheless applied – on the facts, a damages claim that is subject to a duty to mitigate is not a liquidated claim – defence of set off rejected.