

Summary

MALGORZATA JOLANTA ANTONIE v NOBLE LAND (PTY) LTD

Practice – parties-substitution of party to litigation – Rule 15 not applicable *in casu* – no change of status – Common law-Court discretion – may order substitution if no prejudice will be caused to the opposite parties.

Cession of claim in application after *litis contestation* – effect of – terminates the proceeding instituted by the cedent – cessionary taken as having instituting new proceeding.

Security for costs – in pending application the court had ordered the applicant in the main application to provide security for costs – effect of – stay proceeding until the applicant has complied – applicant did not comply with the order.

The applicant sought an order to be substituted as the applicant in the main proceeding instituted by Venter, because of a written contract in terms whereof Venter ceded to the applicant all its entitlement to the main claim against the respondent. The court held that it cannot adjudicate the substitution application while the order in the main application had not been complied with.