

REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO. : 22523/2010

NICO ANDREW THEO BOTHA

Plaintiff

and

MARK WILLIAMS

First Defendant

MARK'S DELIVERIES

Second Defendant

PAULO JOSÉ MACARINGE

Third Defendant

SUGGESTED FLYNOTE

Prescription – extinctive – section 12, and not section 13, of the Prescription Act, 68 of 1969, deals with commencement of prescription.

Prescription – extinctive – commencement – deceased estate – deceased died in collision giving rise to claim said to have prescribed – no knowledge for purposes of section 12(3) of the Prescription Act, 68 of 1969 can be ascribed to deceased estate prior to appointment of executor.