

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO:

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

In the matter between:

**STANDARD CHARTERED BANK
JOHANNESBURG BRANCH**
and four others

First Applicant

and

MAPULA SOLUTIONS (PTY) LTD

Respondent

SUMMARY

Application for rescission of judgment for R163million, granted by default Service at domicilium address. Such address specifically referring to person upon whom summon should be served.

Held: summons not properly served

Cession of all rights under agreement;

Held: right to utilise domicilium address included in cession.

Jurisdiction: three applicants/defendants foreign peregrini. No attachment to

Agreement concluded in Johannesburg; domicilium address in Johannesburg; South African law applicable.

Effectiveness principle watered down if forum conveniens is within jurisdiction: *Bid Industrial Holdings (Pty) Ltd v Strang and Another* 2008 (3) SA 355 (SCA)

Held: Court had jurisdiction to grant judgment.

Held: applicants not in wilful default; bona fide defence raised.

Rescission granted

Costs: Respondent and attorneys' actions should be censured. Opposition unreasonable. Attorney and client costs awarded