

REPUBLIC OF SOUTH AFRICA



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

CASE NO: 47164/2018

In the matter between:

LUNESH SINGH

APPLICANT

and

**SHERIFF SANDTON NORTH
STANDARD BANK OF SOUTH AFRICA
THE BODY CORPORATE OF U.**

**FIRST RESPONDENT
SECOND RESPONDENT
INTERVENING RESPONDENT**

SUMMARY

Practice - Sale in execution of immovable property - application for the setting aside of - only ground relied upon by the applicant is that the arrear levies amount, the payment of which became the purchaser's liability, as has been ascertained from the statement obtained from the managing agent of the property incorrectly included legal fees and costs relating to the collection of the arrear levy amounts from the applicant - section 15(B)(3)(a)(i)(aa) of the Sectional Titles Act provides that registration of a unit can only be effected upon a conveyancer's certificate confirming payment of all moneys due to the body corporate - in Barnard NO v Regspersoon van Aminie en 'n Ander 2001 (3) SA 973 (SCA) para [15] the words 'all moneys' were interpreted in their wider connotation, and therefore to include legal fees and costs – held: the sale in execution correctly informed

the prospective bidders in the conditions of sale, in wording almost identical to the wording of section 15(B)(3)(a)(i)(aa) of the Act, of all moneys due to the body corporate, which the eventual purchaser was obliged to pay in order for registration of transport to be effected-such amount included legal fees and costs incurred in the collection of arrear levies from the applicant - application dismissed with punitive costs order.

Vexatious litigant - application for declaratory order - section 2(1)(b) Vexatious Proceedings Act 3 of 1956 - proceedings instituted persistently and without any reasonable ground - order restricting the applicant's institution of further proceedings, if any, justified – order granted.