



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

CASE NO: 2022-038688

1. Reportable: No
2. Of interest to other judges: No
3. Revised

Wright J
16 October 2023

In the matter between:

LME PLANT HIRE (PTY) LIMITED

Applicant

and

**AFRICAN EXPLORATION MINING AND
FINANCE CORPORATION SOC LIMITED**

RESPONDENT

(Registration Number: 1944/018018/30)


JUDGMENT

WRIGHT J

1. The applicant launched the present application for payment of R31m, interest and costs.
2. It claimed that it was owed this money by the respondent for mining equipment leased by the applicant to the respondent.
3. The answering affidavit raises huge disputes of fact, for example relating to the authority of the person who allegedly bound the respondent in contracting with the applicant. The point is taken by the respondent that the respondent is wholly owned by the state and that correct tender procedure was not followed.
4. The applicant then changed tack. In a supplementary affidavit it sought to introduce a new cause of action, coupled with a major proposed amendment, that it is just and equitable that it be paid the amount claimed.
5. In my view, this case cries out for a trial preceded by detailed pleadings, full discovery, possibly expert notices and then a trial.

ORDER

1. The notion of motion stands as a simple summons.
2. The notice of intention to oppose stands as a notice to defend.
3. The applicant is to deliver a declaration by 30 November 2023.
4. Thereafter, the matter proceeds as a trial action.
5. Costs reserved.



GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 16 October 2023

DELIVERED : 16 October 2023

APPEARANCES :

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