



IN THE NORTH GAUTENG HIGH COURT, PRETORIA  
(REPUBLIC OF SOUTH AFRICA)

Case No: 13731/2011

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: <del>YES</del> /NO
(2)	OF INTEREST TO OTHERS JUDGES: <del>YES</del> /NO
(3)	REVISED
4.4.2014	
DATE	SIGNATURE

4/4/2014

In the matter between:

THE SHERIFF WONDERBOOM

Applicant

and

C MSOMI OBO CATE PROPERTIES

Respondent/ Purchaser

In re -

ABSA BANK LIMITED

Plaintiff

and

STANFORD MOEKETSI THOOTHE

Defendant

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JUDGMENT

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JANSE VAN NIEUWENHUIZEN J

- [1] This is an application in terms of the provisions of rule 46(11) of the Uniform rules of court.
- [2] In terms of the rule, the sheriff should file a report and an application, which result in the incurring of unnecessary costs, is not necessary. [See: *Sheriff, Hlabisa and Nongoma v Shobeka* 2009 (6) SA 272 (KZN)].
- [3] Once the property has been sold, the sheriff may file a further report in respect of the damages that was suffered as a result of the purchaser's non-compliance with the terms of the sale agreement.

#### ORDER

1. An order is granted in terms of prayers 1 and 3 of the notice of motion.
2. Prayer 2.1 is dismissed.
3. Prayers 2.2 and 2.3 is postponed *sine die*.



JANSE VAN NIEUWENHUIZEN J

JUDGE OF THE GAUTENG HIGH COURT OF SOUTH-AFRICA

PRETORIA