

IN THE NORTH GAUTENG HIGH COURT, PRETORIA

(REPUBLIC OF SOUTH AFRICA)

Case No: 51384/2012

Date: 29 April 2014

In the matter between:

THE SHERIFF OF THE HIGH COURT

RUSTENBURG

Applicant

and

MOTLAGOILWE DINTOE

Respondent/Purchaser

(ID NO: 7[...])

In Re -

THE STANDARD BANK OF SOUTH AFRICA LTD

Plaintiff

and

JUSTUS ALFRED THEODOOR BOSWEL

First Defendant

MERCIA BOSWEL

Second Defendant

(ID NO: 5[...])

JUDGMENT

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, Hiabisa and Nongoma y Shobeka* 2009 (6) SA 272 (KZN)].

ORDER

In the premises, I make the following order:

1. An order is granted in terms of prayers 1 and 2 of the notice of motion.
2. “The deposit shall be retained in trust by the Sheriff until such time as the aforesaid property has been sold to a third party and an aggrieved creditor’s loss has been quantified and judgment has been granted in respect thereof as intended by the provisions of Rule 46(11)(b).
3. Prayers 3, 5 and 6 is dismissed.

JANSE VAN NIEUWENHUIZEN J

JUDGE OF THE GAUTENG HIGH COURT OF SOUTH AFRICA