

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

27/7/2016

CASE NO: 28811/2016

In the matter between:

BDM STAFFING (PTY) LIMITED

Plaintiff

and

M A AUTOMOTIVE TOOL & DIE (PTY) LIMITED

Defendant

JUDGEMENT

MBONGWE, AJ

[1] I have read the papers filed of record, heard and considered the various issues raised in arguments for and against the application for summary judgement. I am of the view that such issues, particularly those relating but not limited to the alleged impossibility of performance, require a proper ventilation in a trial.

[2] For the said reason I find that the application for summary judgement must fail.

[3] In the result the following order is made:

1. The application for summary judgment is dismissed.
2. The costs of the application are reserved.


M MBONGWE, AJ

ACTING JUDGE OF THE HIGH COURT, PRETORIA

Date of hearing

12 July 2016

Date of judgement 27 July 2016

APPEARANCES

On behalf of the Plaintiff Adv. H C Bothma

Instructed by Hittingh & Ndzabandzaba Attorneys,
Pretoria

For the Defendant Adv. M Sibanda

with him, J Braum

Instructed by Webber Wetzel Attorneys
Johannesburg.