


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG, PRETORIA

CASE NO: 74872/2009

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED.
08/08/16	
DATE	SIGNATURE

8/8/2016

In the matter between:

**SHERIFF OF TEMBISA MIDRAND &
KEMPTON PARK NORTH**

Applicant

And

MADEPE LUCAS MATSA

Purchaser/Respondent

In the matter:

NEDBANK LIMITED

Plaintiff

And

THOMAS MATHABATHE

1ST Defendant

TWM TRANSPORT SERVICES CC

2ND Defendant

SILTEAM INVESTMENTS CC

3RD Defendant

RULE 46 (11A) RULING

KHUMALO J

[1] The sheriff has issued a return of non-service, which cannot be translated to a service (see Supporting Affidavit by Soretha De Bruin). In an action mere knowledge of issue of a summons or of initiation of motion proceedings does not constitute service and cannot relieve a Plaintiff from the obligation to follow the prescribed rules; see *First National Bank of S A Ltd v Ganyesa Bottle Store* 1998 (4) SA 565 N at 568 B-C.

[2] The Applicant is ordered to effect proper service upon the Purchaser Respondent.



N V KHUMALO
JUDGE OF THE HIGH COURT OF SOUTH
AFRICA
GAUTENG DIVISION, PRETORIA

SORETHA DU BRUIN
C/O VDT ATTORNEYS INC
Ref Soretha de Bruin/jp/B30/267
012 452 1300 :