

# **SUPREME COURT OF APPEAL OF SOUTH AFRICA**

## **MEDIA SUMMARY JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

### **IMPERIAL GROUP (PTY) LTD v NCS RESINS (PTY) LTD CASE NO 197/06**

**From :** The Registrar, Supreme Court of Appeal

**Date:** 20 March 2007

**Status:** Immediate

***Please note that the media summary is for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.***

The SCA was called upon in this case to interpret a warehousing services contract to determine whether the owner of the warehouse or the owner of the property stored in it was obliged to bear the loss of the property as a result of a fire. The owner of the warehouse pointed to a clause obliging the owner of the property to insure. The latter in turn relied on an express provision to the effect that the warehouse owner was liable for any damage. The SCA dismissed the appeal holding that the Johannesburg High Court had correctly held that the owner of the warehouse (the appellant) was to bear the loss.

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