

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF
APPEAL

Date: 29 NOVEMBER 2007

Status: Immediate

**BE BOP A LULA MANUFACTURING & PRINTING CC v KINGTEX
MARKETING (PTY) LTD**

On 29 November 2007 the Supreme Court of Appeal gave judgment in *Be Bop a Lula Manufacturing & Printing CC v Kingtex Marketing (Pty) Ltd* dismissing a claim by Kingtex against Be Bop a Lula for payment of some 40 000 T-shirts the latter had to supply to Adidas. Be Bob a Lula alleged that the T-Shirts were defective and delivered late and therefore sent a cheque to Kingtex for a lesser amount than claimed together with a cheque marked ‘full and final settlement of account’. The cheque was deposit for special clearance. Payment of the cheque could not be stopped but Kingtex retained the proceeds in its attorneys’ trust account and appropriated it in payment of fees it owed its attorneys. In these circumstances the SCA found that, although there may not have been actual consensus between the parties, that the claim of Kingtex had been compromised and dismissed its claim for the balance allegedly owing.

-- end --