

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

FROM: The Registrar, Supreme Court of Appeal

DATE: 6 JUNE 2007

STATUS: Immediate

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

The Supreme Court of Appeal today dismissed an appeal brought by Mutual and Federal Insurance Co Ltd against a judgment given in the Pretoria Magistrate's Court (and affirmed on appeal in the Pretoria High Court) upholding an insurance claim brought by a Gauteng businessman, Mr JAF da Costa.

Mr Da Costa's claim related to a Mercedes Benz vehicle which had been rebuilt using the body of a 1988 200 Mercedes Benz, the engine of a 1990 230 Mercedes Benz and an AMG kit comprising non-standard bumpers, grilles, interior trim door panels, seats and a steering wheel. This kit was on the evidence worth at least R62 000. The Supreme Court of Appeal held that in the circumstances the magistrate's finding that the vehicle which was damaged beyond economic repair, was worth at least R69 000 could not be interfered with.

The appellant's contention that there had been a material misrepresentation of fact because the vehicle had been described as a 1991 Mercedes Benz 230 E was rejected because no evidence had been led to show that the misrepresentation, which was innocently made, was material.