

SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 30 September 2008
Status: Immediate

M R CAMPBELL v W BOTHA & OTHERS

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 upheld an appeal against a judgment in the High Court, South Eastern Cape in terms of which the court a quo dismissed an application for a declaration that the appellant remained the owner of a property notwithstanding the sale thereof by the sheriff at a sale which purported to be a sale in execution.

The SCA held that there had been no attachment in that neither the warrant nor the notice of attachment had been served on or brought to the notice of the appellant as owner; that the sale therefore did not qualify as a sale in execution; and that the sheriff consequently had no authority to sell the property and transfer ownership of the property to the purchaser. For these reasons the SCA held that the appellant remained the owner of the property.