



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

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

Case no: 664/07

**In the matter between:**

**WITHOK SMALL FARMS (PTY) LTD  
BOULEIGH 113 (PTY) LTD  
AUCOR SANDTON (PTY) LTD**

**1<sup>ST</sup> APPELLANT  
2<sup>ND</sup> APPELLANT  
3<sup>RD</sup> APPELLANT**

**and**

**AMBER SUNRISE PROPERTIES 5 (PTY) LTD**

**RESPONDENT**

**From :       The Registrar, Supreme Court of Appeal  
Date:        21 November 2008  
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*

**Property owned by the first and second appellants was sold at a public auction to the respondent. In terms of the conditions of sale the appellants, being the sellers, had seven days to confirm the sale. The High Court, Pretoria, held that no agreement of sale was concluded on the date of the auction; all that happened was that the respondent bound itself to keep its offer open for seven days. The SCA agreed with the High Court on this issue. The SCA, however, overruled the High Court's decision that a sale would only come into existence when the sellers' confirmation of the sale**

was communicated to the respondent. The SCA held that having regard to the terms of the conditions of sale it was clear that the sale was confirmed, ie a sale came into existence, the moment the Sellers signed the conditions of sale.

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