



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
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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.

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SUBLIME TECHNOLOGIES (PTY) LTD v JONKER AND ANOTHER

The Supreme Court of Appeal today upheld an appeal against a judgment in the North Gauteng High Court, Pretoria, in terms of which that court ordered the plaintiff, Sublime Technologies, to pay the wasted costs arising from the postponement of the trial. The SCA held that the trial court would be in a better position to decide the question of liability for the wasted costs.

In the course of its judgment, the SCA also criticised the practice followed in the Pretoria High Court of requiring an undertaking from a party that the trial would not run for more than a certain number of days – in this case three days – failing which the trial would have to be postponed; it would have to recommence afresh before another judge; and the plaintiff would have to pay the costs on a punitive scale.