



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.

JUAN JACQUES JACOBS V IMPERIAL GROUP (PTY) LTD

The Supreme Court of Appeal (SCA) today confirmed the decision of the South Gauteng High Court which had ruled in favour of Imperial Group (Pty) Ltd.

The high court had dismissed an action for damages by Jacobs arising from the loss, through theft, of his Vito Mercedes Benz motor vehicle whilst in the custody of Imperial Group. The vehicle had been delivered to Imperial by Jacobs' brother-in-law, on his instructions, for repairs.

Imperial Group resisted the action on the basis of an owner's risk notice displayed prominently at the premises to the effect that:

'Vehicles are left at owner's risk
Voertuie word op eienaars risiko gelaat.'

The SCA confirmed the high court's conclusion that the owner's risk notice was incorporated into the contract concluded between the parties and that Jacobs

was bound by it. The SCA also confirmed that Jacobs' agent, his brother-in-law, who concluded the contract had the necessary authority to do so.

In the final analysis the SCA upheld the high court's conclusion that Imperial Group had acted sufficiently reasonable in prominently displaying the owner's notice on notice boards at three locations within its premises. This, the court found, was sufficient to bring the attention of its customers to the existence of the notice. This, the SCA further found, shielded Imperial Group from liability for the loss of the vehicle.