



SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

DATE 30 May 2019

STATUS Immediate

Z F Stoffberg NO & others v City of Cape Town (1325/2017) [2019] ZASCA 70
(30 May 2019)

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 respondent in this appeal, the City of Cape Town (the City), is the registered owner of a farm situated near Melkbosstrand in the Western Cape, known as Baas Ariesfontein Outspan and measuring 425,9081 hectares (the property). The Crown Grant by which the property was transferred to the predecessor in title of the City provides that the property shall not be used otherwise than for purposes of an outspan. The property is, however, occupied by the appellants, who conduct farming operations on the property.

The City launched proceedings in the Western Cape Division of the High Court, Cape Town for the eviction of the appellants from the property. The appellants contended that the fifth appellant had acquired ownership of the property by way of acquisitive prescription in terms of s 2 of the Prescription Act 18 of 1943 and counterclaimed for a declaratory order to that effect. The High Court found that the appellants did not prove the acquisition of the property by prescription. It consequently dismissed the counterclaim and granted the eviction order

sought by the City. The appellants appealed to the Supreme Court of Appeal (SCA).

Today the SCA dismissed the appeal with costs. It confirmed the order of the High Court on the basis that the appellants did not show the requirement of possession of the property with the intention of an owner for a continuous period of 30 years.
