

Republic of South Africa

**IN THE HIGH COURT OF SOUTH AFRICA**

**(WESTERN CAPE HIGH COURT, CAPE TOWN)**

**CASE No: 1488/10**

In the matter between;

**THE STANDARD BANK OF SOUTH AFRICA LIMITED**  
**(Registration number: 62/000738/06)**

**Plaintiff**

And

**SQUIRREL INVESTMENTS 12 CC**  
**(Registration Number 2005/111844/23)**

**First Defendant**

**JOHANN ANTON BARTMAN**  
**(IDENTITY NO. )**

**Second Defendant**

**ABRAHAM BOSMANN SLABBER**  
**(IDENTITY NO. )**

**Third Defendant**

**JUDGMENT DELIVERED ON 10 DECEMBER 2010**

**HENNEY, AJ:**

[1] This application was heard by this court on 2 December 2010. Although this matter was opposed, by the Respondent, no opposing papers were filed with the result that the application had to be adjudicated completely on the version of the applicants. There was no Answering Affidavit from the Respondent to serve as evidence upon which the Court could adjudicate this application.

The mere arguments raised by the Respondents about the issues raised by the Applicants on the face of it, might seem farfetched, but it cannot be regarded as evidence upon which the Court would be able to adjudicate the application. The Respondents had to do this by filing an Answering Affidavit. There is therefore no answer to the allegations of the Applicants as stated in their Founding Affidavit.

In the result therefore, the following order is made:

- 1) The application for condonation is granted for the extension of the time limit in which the application should have been brought.
- 2) The Default Judgment granted by the Registrar on 12 May 2010 is rescinded.
- 3) The Defendants is granted leave to defend the action.
- 4) The writ of attachment of immovable property granted by the Registrar is stayed and all other execution steps instituted by the Plaintiff is suspended.
- 5) The costs of the application for the Rescission of Judgment shall stand over for the determination of trial.

**HENNEY, AJ**