

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NUMBER:

16696/2010

5 **DATE:**

17 FEBRUARY 2011

In the matter between:

COENRAAD JOHANNES BEZUIDENHOUT

Applicant

and

10 **PETER GEORGE RIMBAULT**

Respondent

J U D G M E N T

Application for Leave to Appeal

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CLEAVER, J:

The defendant seeks leave to appeal against the finding which I made in the judgment which I delivered on 14 September 2010, in which I found that the suspensive condition contained in the agreement in question had been complied with. In coming to that finding, I distinguished on the facts the judgment in Remini v Bason 1993 (3) SA 204 (N). On behalf of the applicant it was submitted that the wording of the suspensive condition, the letter of 4 February to which I had

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referred, was not sufficient to fulfil the condition in that insufficient elements of the loan had been communicated to defendant.

- 5 The question of the compliance with suspensive conditions in deeds of sale of this nature is one which often leads to litigation and I am of the view that another court might reasonably come to a different conclusion. In the circumstances leave to appeal against my judgment to the full
10 bench of this division will be granted. Cost of the application for leave will be cost in the appeal.

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CLEAVER, J. 