



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

Date: 24 March 2010

Status: Immediate

*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.*

***BUFFALO FREIGHT SYSTEMS v CRESGTLEIGH TRADING***

In this appeal the appellant held certain containers belonging to the first respondent alleging a lien over the said goods. The appellant is a company acting as freight forwarding and clearing agent and the first respondent is a company dealing in import and export.

The questions raised by this appeal are whether the appellant is entitled to invoke a right of lien over the goods received by it on behalf of the first respondent in terms of a facility granted to the first respondent and whether an oral arrangement subsequently entered into by the parties disentitled the appellant from relying on certain terms and conditions which formed part of the initial written agreement.

The SCA found that no genuine factual dispute existed and that the version propounded by the respondents is fanciful and wholly untenable. It further found that no compromise agreement had been reached on 5 May 2008 as contended for by the respondents.

This court also concluded that the standard trading terms and conditions alluded to had in fact remained extant. It found also that the quantification of the appellant's claim was ascertainable from its affidavit. Finally it upheld the appeal with costs and substituted the order of the court a quo with an appropriate order granting the application and dismissing the counter-application.