



THE SUPREME COURT OF APPEAL  
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE  
SUPREME COURT OF APPEAL

23 September 2011

STATUS: Immediate

**VAN DER WATT V JONKER**

*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 Supreme Court of Appeal (SCA) today dismissed an appeal against a judgment of the Free State High Court, Bloemfontein.

The high court had granted the respondents' application to enforce a restraint of trade against the appellants in respect of trading in the petroleum industry in certain circumscribed areas of the Free State Province. The SCA decided the matter on a different basis as the high court, while upholding that court's findings on the breach of the restraint of trade by the appellants. The SCA held that, since the appellants had sold goodwill in the businesses to the respondents, for which the first respondent paid the sum of R2 million in cash to the appellants, they were not permitted to solicit customers of the second, third and fourth respondents to do business with them. The SCA found that such canvassing and solicitation of business had been proved by the respondents and the appeal was consequently dismissed with costs.

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