

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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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.

Christiaan van Aardt v John Richard Galway

The Supreme Court of Appeal (SCA) upheld an appeal by Mr van Aardt against the dismissal of his claim for transfer of the farm Midhurst. He had purchased the farm from Mr Galway following on the exercise by him of an option. Various objections were raised to the validity of the option agreement and the exercise of the option, but the Court held that these were ill-founded and that Mr van Aardt was entitled to enforce the sale.

In the course of its judgment the Court drew attention to the substantial costs that had been incurred as a result of evidence being led at the trial that was not relevant or admissible. It also highlighted the additional costs incurred in pursuing the appeal in consequence of the failure by the legal representatives of the parties to act in terms of the rules of the court. In the result it disallowed certain costs and stressed the need for legal practitioners in future to adhere strictly to the rules of the SCA.