



## SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 26 September 2018  
**STATUS** Immediate

*Four Wheel Drive Accessory Distributors CC v Leshni Rattan NO*  
*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 SCA today dismissed an appeal with costs upholding a judgment of the KwaZulu-Natal Local Division of the High Court, Durban.

The appellant sued the respondent, the executrix of the estate of the late Mr Ivin Rattan in the court a quo for an amount of R559 817.45 being the cost of repairs to a courtesy vehicle owned by Land Rover South Africa, which was provided to Mr Rattan. The appellant claimed that it leased the vehicle to Mr Rattan who undertook to return it in the same condition that he received it. He did not comply with this obligation. He was shot and fatally wounded by unknown persons whilst travelling in the vehicle, which was riddled with bullet holes.

The SCA held that the appellant failed to establish that it bore the risk of damage to the vehicle and consequently did not have an interest that entitled it to sue for damages. Further, that it did not prove that Mr Rattan had concluded the lease agreement.

The court a quo of its own accord raised the questions, and then concluded, that the alleged lease agreement was against public policy and violated the Consumer Protection Act 68 of 2008. The SCA held the court a quo erred: the agreement was not against public policy and the Consumer Protection Act did not apply because the agreement was not a 'transaction' as defined in that Act.

The SCA reiterated the principle that a judgment must be confined to the issues before the court. It is for the parties to define the dispute and for the court to determine only that dispute. This ensured that judicial officers remained independent and impartial and were seen to be so, which was a cornerstone of any fair and just legal system.