

SOUTH AFRICA / JUDGMENT

Beszuidenhout v Rimbault (16696/2010)

[2011] ZAWCHC 148 (17 February 2011)

[2011] ZAWCHC 148

COURT

Western Cape High Court, Cape Town

BEFORE

Cleaver

CASE / FILE NUMBER

16696/2010

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IN

THE HIGH COURT OF SOUTH

AFRICA

(WESTERN

CAPE HIGH COURT, CAPE TOWN)

CASE

NUMBER:

16696/2010

DATE:

17

FEBRUARY 2011

In

the matter between:

COENRAAD

JOHANNES BEZUIDENHOUT

.....Applicant

and

PETER

GEORGE RIMBAULT

.....Respondent

JUDGMENT**Application for Leave to Appeal****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 referred, was not sufficient to fulfil the condition in that insufficient elements of the loan had been communicated to defendant.

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 bench of this division will be granted. Cost of the application for leave will be cost in the appeal.

CLEAVER, J

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