

SOUTH AFRICA / JUDGMENT

Bret v Woolworths Financial Services (Pty) Ltd and Others (NCT/67820/2016/165(1)(P)NCA) [2016] ZANCT 60 (16 December 2016)

[2016] ZANCT 60

COURT

National Consumer Tribunal

BEFORE

H Devraj, F Manamela, P Beck

CASE / FILE NUMBER

NCT/67820/2016/165(1)(P)NCA

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Policy

IN

THE NATIONAL CONSUMER TRIBUNAL

HELD

IN CENTURION

Case

Number: NCT/67820/2016/165(1)(P)NCA
In

the matter between: A
BRET
FIRST APPLICANT
and
WOOLWORTHS
FINANCIAL
SERVICES
(PTY) LTD
FIRST
RESPONDENT
DIRECT
AXIS
(SA)
PTY

LTD
SECOND
RESPONDENT
STANDARD
BANK OF SOUTH AFRICA LIMITED THIRD
RESPONDENT
RCS
GROUP
FOURTH
RESPONDENT
TENACITY
FINANCIAL
SERVICES FIFTH
RESPONDENT
MR
PRICE GROUP
LIMITED
SIXTH RESPONDENT

Coram:

Ms
H Devraj
- Presiding member
Adv
F Manamela - Member
Ms
P
Beck
- Member
Date
of hearing
- 14 December 2016

JUDGEMENT

AND REASONS

APPLICANTS

1. The Applicant is Alicia Brett, a major female residing in Hartenbos Heuwels (hereinafter referred to as "the Applicant").

RESPONDENTS

2. The Respondents are Woolworths Financial Services (Pty) Ltd, Direct Axis (SA) (Pty) Ltd, RCS Loans, Standard bank of South Africa

Limited, Tenacity Financial Services, Mr Price Group Limited. (hereinafter referred to as "the Respondents").

BACKGROUND

3. During August 2016, the Applicant lodged an application (through registered debt counsellor Lee Edna Lombard) with the Tribunal in terms of Section 86(8) of the Act to have a debt re-arrangement agreement confirmed as an order of the Tribunal.
4. The debt re-arrangement agreement was confirmed as an order of the Tribunal on 26 September 2016 as per case number NCT/58887/2016/138(1).
5. During October 2016, the Applicant lodged an application with the Tribunal in terms of Section 165(1) of the Act to have the order granted on 26 September 2016 to be varied.
6. The basis of the Application is that the Applicant omitted to include the credit provider, Standard Bank of South Africa Limited (Account Number [3...]) as part of the debt re-arrangement agreement. Furthermore, the acceptance letter for this account was not submitted as part of the application.
7. On the date of the hearing there was no appearance by the Applicant or the Respondents.

CONSIDERATION OF THE APPLICATION

8. As stated above there was no appearance by the Applicant or any representative on the date of the hearing.
9. Rule 24 of the National Consumer Tribunal Regulations states the following:

"Nonappearance

24.

- (1) If a party to a matter fails to attend or be represented at any hearing or any proceedings, and that party-
 - (a) is the applicant, the presiding member may dismiss the matter by issuing a written ruling; or
 - (b) is not the applicant, the presiding member may-
 - (i) continue with the proceedings in the absence of that party; or
 - (ii) adjourn the hearing to a later date
- (2) The Presiding member must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of subrule (1)
- (3) If a matter is dismissed, the Registrar must send a copy of the ruling to the parties."
10. The notice of set down was sent to all the parties by the Registrar's office via e-mail on 29 November 2016.

11. At the time the matter was called by the Tribunal panel, there was no appearance by any of the parties.
12. The Presiding member of the Tribunal was satisfied that the parties were properly notified of the date, time and venue for the proceedings.
13. The application was then formally dismissed by the Tribunal on record.

ORDER

14. Accordingly, the Tribunal makes the following order:

14.1 The application lodged in terms of Section 165 of the Act is hereby dismissed.

14.2 The Applicant can refile the application.

DATED ON THIS 16TH DAY OF DECEMBER 2016

(signed]

Ms H Devraj

Adv F Manamela (Presiding member) and Ms P Beck concurring

Authorised for issue by National Consumer Tribunal

Case Number: NCT/67820/2016/165(1)NCA

Date: 2017I01/04

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