

SOUTH AFRICA / JUDGMENT

Cisa Specialita Alimentari S.R.L. v Africa's Best Foods (Pty) Ltd (26828/2021) [2024] ZAGPJHC 78 (29 January 2024) [2024] ZAGPJHC 78

COURT

South Gauteng High Court, Johannesburg

BEFORE

GC Wright

CASE / FILE NUMBER

26828/2021

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IN THE HIGH COURT OF SOUTH AFRICA

(Gauteng Division, Johannesburg)

Case no: 26828/2021

In the matter between

CISA SPECIALITÀ ALIMENTARI S.R.L.

APPLICANT

Versus

AFRICA'S BEST FOODS (PTY) LTD

RESPONDENT

JUDGMENT

WRIGHT , J

1. The respondent in the main application seeks a postponement.
2. The parties have been at each others' throats for some time.
3. The dispute is a commercial one. Each side seeks money from the other.
4. The parties point fingers at each other, regarding procedure.
5. The application for a postponement appears to have been brought late.

6. On the other hand, it appears that the main applicant's attorney refused to accept service of summons in South Africa in a counterclaim of sorts. This caused the main respondent to have to go the route of edictal citation and service of an intendit in Italy.
7. In short, the main respondent wants a postponement so that the recent action proceedings, served in Italy, can be consolidated with the present application.
8. There appear to be deep disputes of fact underlying the greater dispute. Whether or not the present application is to be ultimately consolidated with the pending action is for another court to decide. That consolidation application should be determined in due course.
9. It would be unwise of me to decide now today's costs.

ORDER

1. The main application is postponed sine die, costs reserved.
2. The question of the costs of the postponement application are reserved.

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

Heard: 29 January 2024

Delivered: 29 January 2024

Appearances:

For the applicant:

Advocate M Nieuwoudt

Instructed by:

Werth Scroder Inc Attorneys

For the respondent:

Mr. Opperman

Instructed by:

C & O Inc Attorneys

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