

SOUTH AFRICA / JUDGMENT

Maboni Projects (Pty) Ltd v Motheo Construction Group and Another (2023/023364) [2025] ZAGPPHC 498 (16 May 2025)

[2025] ZAGPPHC 498

COURT

North Gauteng High Court, Pretoria

BEFORE

H F Jacobs

CASE / FILE NUMBER

2023/023364

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REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE Number: 2023/023364

- (1) REPORTABLE: NO
- (2) OF INTEREST TO OTHER JUDGES: NO
- (3) REVISED: NO

16 May 2025

In the matters between:-

MABONI PROJECTS (PTY) LTD

Plaintiff

and

MOTHEO CONSTRUCTION GROUP

1st Defendant/Excipient

KOERT MENZIWA CEILING AND PARTITION

(PTY) LTD

2nd Defendant

JUDGMENT

JACOBS AJ

- [1] This is exception taken by the first defendant to the plaintiff's particulars of claim on the basis that it is vague and embarrassing. The grounds of objection are catalogued in the notice of exception and include reference to various rules of court which the plaintiff did not comply with which results in the alleged excepiability of its particulars of claim.
- [2] Initially the plaintiff challenged the first defendant's exception with a notice and application in terms of rule 30 but that process was not persisted with. The matter was heard in open court and there was no appearnce on 13 or 14 May 2025 on behalf of the plaintiff.
- [3] All the complaints catalogued by the first defendant in its notice of exception dated 10 July 2023 are valid. In my view, the pleading, if allowed to stand, shall make it impossible for a trial court to recognise the claim irrespective of the facts as they might emerge at the trial. It is one of the purposes of a pleading to distil the dispute by way of pleading and the plaintiff's particulars of claim falls foul of this requirement.[1]
- [4] Under the circumstances I grant the following order:
1. The exception is upheld with costs and the particulars of claim is struck out.
 2. The plaintiff is afforded 30 days of the date of this order to, if so advised, deliver an amended particulars of claim.
 3. The costs awarded in 1 above shall include the costs of counsel on scale B.

H F JACOBS

ACTING Judge of the High Court

For the excipient: Adv S Mchunu Instructed by: Cox Yeats Attorneys Incorporated C/O Couzyn Hertzog & Horak For the respondent: No appearance Heard on: 12 May 2025 Date of Judgment: 16 May 2025

- [1] See Tembani v President of the RSA 2023 (1) SA 432 (SCA) at [16]

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Prepared on 10 October 2026 · Esheria