

SOUTH AFRICA / JUDGMENT

Mabotja v Standard Bank of South Limited (12534/19) [2020] ZAGPPHC 398 (4 August 2020)

[2020] ZAGPPHC 398

COURT

North Gauteng High Court, Pretoria

BEFORE

Fabricius

CASE / FILE NUMBER

12534/19

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IN

THE HIGH COURT OF SOUTH AFRICA

(GAUTENG

DIVISION, PRETORIA)

CASE

NO: 12534/19

IN

THE MATTER BETWEEN:

MONICA

KOENA MABOTJA

Applicant/Defendant

AND

THE

STANDARD BANK OF

SOUTH

AFRICA LIMITED

Respondent/Plaintiff

JUDGMENT**FABRICIUS J**

- [1] Defendant herein has raised certain exceptions to Plaintiff's particulars of Claim in which an amount is claimed subsequent to Plaintiff selling the vehicle by public auction that had been purchased by Defendant, but not paid for.
- [2] Defendant appears in person but resides in Limpopo. She alleges that this Court has no jurisdiction but that in any event the claim should have been instituted in the Regional Court as the amount is within its jurisdiction. The agreement was signed in Pretoria.
- [3] Defendant states that she is unable to travel to Pretoria because of the Lock-Down situation and that there is nothing urgent about this application. She applies that case be transferred to the Polokwane Regional Court, but on the other hand says that it should be heard by a Full Court. There is no merit in that suggestion.
- [4] The most convenient forum would in my view be indeed a Court in Polokwane. It has held on numerous occasions by various courts in the context of jurisdiction that, that is the decisive question to be answered.
- [5] There is nothing urgent about these proceedings. Limpopo has its own hierarchy of Courts, but Plaintiff states that the amount now due exceeds the jurisdiction of the Regional Court. It could easily abandon part of its claim.
- [6] I am of the view, without commenting further on the merits of the action or the exception that:

6.1 this application should be transferred to the High Court of Limpopo sitting in Polokwane and accordingly that is my order.

6.2 No order as to costs is made.

H FABRICIUS**JUDGE OF THE HIGH COURT OF SOUTH AFRICA****GAUTENG DIVISION, PRETORIA****DATE OF HEARING: NO ORAL HEARING****DATE OF JUDGMENT: 4 AUGUST 2020****FOR THE APPLICANT: IN PERSON****FOR THE RESPONDENT: ADV A BASSON****INSTRUCTED BY: TIM DU TOIT INCORPORATED**

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Prepared on 9 October 2026 · Esheria