

SOUTH AFRICA / JUDGMENT

Midslabs (Pty) Ltd v PMT Construction (Pty) Ltd (2016/69574) [2018] ZAGPPHC 255 (24 April 2018)

[2018] ZAGPPHC 255

COURT

North Gauteng High Court, Pretoria

BEFORE

Swanepoel

CASE / FILE NUMBER

2016/69574

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

Source record

IN

**THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)****Case number: 2016/69574****Date: 24 April 2018****In**

the matter between: MIDSLABS
 (PTY)
 LTD
 Plaintiff/Excipient
 and
 PMT
 CONSTRUCTION (PTY)
 LTD
 Defendant/Respondent

JUDGMENT

1. Plaintiff issued summons for payment of monies pursuant to a building contract. Defendant pleaded to the claim and also delivered a claim in reconvention in which damages are sought. In the initial counterclaim Defendant simply stated the quantum of its damages without pleading how the damages were calculated.

2. Plaintiff excepted to the counterclaim on the basis that it did not allow Plaintiff to plead to the claim, and was consequently vague and embarrassing.
3. Defendant then amended its counterclaim by attaching a report by one L van Schalkwyk, and by referring to the report in the body of the counterclaim.
4. Plaintiff once again excepted on the basis that the allegations contained in the report should have been pleaded in the body of the counterclaim.
5. Rule 18 (4) of the Uniform Rules of Court provides:

"4. Every pleading shall contain a concise statement of the material facts upon which the pleader relies for his claim, defence or answer to any pleading, as the case may be, with sufficient particularity to enable the opposite party to reply thereto."

6. Rule 18 (10) provides:

"10. A plaintiff suing for damages shall set them out in such a manner as will enable the defendant reasonably to assess the quantum thereof'"

7. I find no support for Plaintiffs contention. Reports are regularly attached to pleadings in support of a damages claim. In Grindrod (Pty) Ltd v Delport and others^[1] the Court was faced with a lengthy auditor's report that had been attached to the pleadings in support of a damages claim. The

Defendant argued that the purpose of a pleading was to provide a concise statement of the material facts relied upon, and that a lengthy report did not allow Defendant to know what facts were relied upon. The Court (per Blieden J) held that without the report, and the opinions contained therein, the Defendant could not assess the quantum of the damages. By attaching the report to the pleading, plaintiff would be complying with the provisions of Rule 18 (10).

8. Whether there has been compliance with Rule 18 (10) will depend upon whether, reading the pleading in conjunction, with the attached report, it can be said that the opposite party has been placed in a position to reasonably assess the quantum of the claim.
9. Unfortunately the report is not part of the papers before me, and I cannot make an assessment thereof. However, Plaintiff's contention that the material facts must all be pleaded in the body of the pleading is without basis in law. If the report, together with the averments contained in the pleading complies with the provisions of Rule 18 (10), the pleading is not excipiable.
10. In the result, I make the following order:

10.1 The exception is dismissed.

Swanepoel J

Acting Judge of the High Court,

Gauteng Division

[1] 1997 (1) SA 342 (WLD)

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPPHC/2018/255.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/midslabs-pty-ltd-v-pmt-unknown-topic-agpphc-2018--6a3ea5123b1caa912980a2dc>

Prepared on 11 October 2026 · Esheria