

SOUTH AFRICA / JUDGMENT

Moabi v Katlo Investments (NW05/2017) [2018] ZACONAF 8 (15 May 2018)

[2018] ZACONAF 8

COURT

Consumer Affairs Court

BEFORE

J.Nkomo, P.Hlahane, K.Kgomongwe

CASE / FILE NUMBER

NW05/2017

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IN

THE CONSUMER AFFAIRS COURT FOR THE NORTH WEST PROVINCE

HELD

AT MMABATHO

Case number:

NW05/2017

In the matter

between:-

MARSHALL

MOABI

PLAINTIFF

and

KATLO

INVESTMENTS

DEFENDANT

Registration

Number 2005/179226/23

ON 15 May

2018

JUDGMENT

J.Nkomo (P. Hlahane and K.Kgomongwe concurring)

Introduction

- [1] Mr. Marshall Moabi of 2301 Boikanyo Street Huhudi Vryburg who is the plaintiff in this matter reported allegations of unfair practice against Katlo Investments (registration number 2005/179226/23) of 78 Aismal Street, Manzilpark, North West Province (“the defendant”).
- [2] The plaintiff purchased a certain Sesbuile Minibus (registration number CT 77 NV GP) on 13 March 2017 for the amount of R 60 000.00 that was paid on the same day. After filling petrol shortly after taking delivery, the motor vehicle broke down at the filling station. The disappointment led to the plaintiff immediately returning the motor vehicle to the defendant and demanding a refund. It was promised but never surfaced.
- [3] A letter of demand dated 22 March 2018 was served upon the defendant on 23 March 2018. It seems not to have yielded any results and as such the matter was carried forward with the issuing of summons on 17 April 2017. Same was served on 17 April 2018. The matter was scheduled for hearing on 15 May 2018.
- [2] On 15 May 2018 the plaintiff was present, he was represented by Mr. Letsogo who occupies the position of Consumer Protector. The defendant was unrepresented when the matter was called at 10H48. There was no prior warning of the defendant’s absence. Mr. Letsogo applied for judgement against the defendant as unrepresented as it was. Judgement was reserved. This is now the judgement.

Order

- [3] Having considered the papers filed of record as well as having considered the applicable laws, the following order is issued:-

3.1 The defendant is ordered to immediately pay the amount of R 60 000.00 to the plaintiff.

3.2 The defendant is ordered to pay interest of 9.5 % per year on the amount of R 60 000.00 from 13 March 2017 to the date of final payment.

3.4 The defendant shall be responsible for the costs that may be incurred by the plaintiff in the process of enforcing this order. Such costs shall be on the party and party scale “B” of the tariff of costs applicable in the competent court.

Dated at Mmabatho on this the 28th day of June 2018.

John Nkomo

Chairperson

FOR THE PLAINTIF: MR.LETSOGO

CONSUMER PROTECTOR'S OFFICE

NWDC BUILDING

MMABATHO

DEFENDANT: KATLO INVESTMENTS

REGISTRATION NUMBER 2005/179226/23

78 ISMAIL STREET

MANZILPARK

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