

SOUTH AFRICA / JUDGMENT

Moeketsi v Senamela (A563/14)

[2014] ZAGPPHC 549 (8 August 2014)

[2014] ZAGPPHC 549**COURT**

North Gauteng High Court, Pretoria

BEFORE

N Janse van Nieuwenhuizen, M J Teffo

CASE / FILE NUMBER

A563/14

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

Source record**IN****GAUTENG HIGH COURT, PRETORIA****(REPUBLIC****OF SOUTH AFRICA)****High****Court Ref. No. 504/14****Magistrate's****Reference: SMC****01/14****Case****No: 158/2013****Date:**

8

August 2014

In the matter

between : -

TIMOTHY

MOEKETSI.....Plai

ntiff

and

KGAUGELO

SENAMELA.....Defenda

nt

JUDGMENT

JANSE VAN NIEUWENHUIZEN J

- [1] This is a review, in terms of the provisions of section 46(c) of the Small Claims Court Act, 61 of 1984, brought by Magistrate Nemaqwarani from Daveyton Magistrate Court.

FACTUAL BACKGROUND

- [2] The plaintiff issued summons in the court a quo against the defendant for payment of damages in an amount of R 5 447, 71. The plaintiff alleges that the defendant caused damage to his vehicle.
- [3] Default judgment in the aforesaid amount, was granted in favour of the plaintiff on 27 June 2013.
- [4] Upon perusal of the court file, Magistrate Nemaqwarani established that two trial dates were allocated in the matter, to wit 25 June 2013 and 25 July 2013.
- [5] Notwithstanding the aforesaid, default judgment was granted on 27 June 2013, in the absence of the defendant and without informing the defendant of the date.

GROUND FOR REVIEW

- [6] Magistrate Nemaqwarani submitted that a gross irregularity occurred when default judgment was granted on 27 June 2013 and pray that the order be reviewed and set aside.

I agree and propose the following order:

The default judgment granted in the court a quo on 27 June 2013 is reviewed and set aside.

N Janse van Nieuwenhuizen

Judge of the Gauteng High Court, South Africa

I agree.

M J Teffo

Judge of the Gauteng High Court, South Africa

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/2014/549.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/moeketsi-v-senamela-unknown-topic-agpphc-2014>

Prepared on 13 October 2026 · Esheria