

SOUTH AFRICA / JUDGMENT

Profert (Pty) Ltd v Vermaak (A09/23) [2023] ZAMPMBHC 18 (13 March 2023)

[2023] ZAMPMBHC 18**COURT**

Mbombela High Court, Mpumalanga

BEFORE

Kgoele, Roelofse

CASE / FILE NUMBER

A09/23

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Source record**REPUBLIC****OF SOUTH AFRICA****IN****THE HIGH COURT OF SOUTH AFRICA,****MPUMALANGA****DIVISION (MAIN SEAT)****Case****Number: A09/23****REPORTABLE:**

YES/ NO

OF

INTEREST TO OTHER JUDGES: YES/NO

REVISED.

13March

2023

In

the matter between:

PROFERT

(PTY

LTD

Appellant

and

JACOB

PHILLIPPUS VERMAAK

Respondent

JUDGMENT

Coram: Kgoele J et Roelofse AJ

Roelofse AJ:

[1] The appellant seeks to appeal the whole of the judgment of the Regional Court Magistrate sitting in the Regional Court for the Regional Division of Mpumalanga, held at Mbombela (the Court a quo).

[2] The judgment was delivered on 31 January

2022. The appellant's claim was founded upon an acknowledgment of debt by the respondent in favour of the appellant. The Court a quo refused to grant a default judgment in favour of the appellant against the respondent.

[3] [The refusal to grant a default judgment is not a final order. Only final orders or orders that have a final effect are susceptible to an appeal.

[4] In the premises, the following order is thus made:

The appeal is dismissed.

Roelofse AJ

Acting Judge of the High Court

I agree.

Kgoele J

Judge of the High Court

DATE OF HEARING:

10 March 2023

DATE OF

JUDGMENT:

13 March 2023

APPEARANCES

Gerrit Coetzee Attorneys represents the appellant.

The appeal was dealt with in terms of section 19(a) of the Superior Courts Acts and paragraph 21.3 of the Amended Practice Directives of this Division without the hearing of oral argument.

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Prepared on 9 October 2026 · Esheria