

SOUTH AFRICA / JUDGMENT

Ralph v Auto C Motorworx CC (NCT/109285/2018/75(1)(b)) [2018] ZANCT 131 (4 September 2018) [2018] ZANCT 131

COURT

National Consumer Tribunal

BEFORE

H Devraj

CASE / FILE NUMBER

NCT/109285/2018/75(1)(b)

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IN THE NATIONAL CONSUMER TRIBUNAL

HELD IN CENTURION

Case number: NCT/109285/2018/75(1)(b)

In the matter between:

THOMAS RALPH

APPLICANT

and

AUTO C MOTORWORX CC

RESPONDENT

Coram:

Ms. H Devraj -

Presiding Member

Date of Hearing – 27 August 2018

POSTPONEMENT ORDER

1. The Applicant in the main matter is Thomas Ralph, an adult male, hereinafter referred to as (“the Applicant”).

2. The Respondent in the main matter is Auto c Motorworx CC, hereinafter referred to as (the “Respondent”). Its registered business address is 178 Pruibos Avenue, Weltevreden Park, Extension 24, Roodepoort.
3. The matter was set down on 28 August 2018, on a default basis. According to Rule 25(3):-
The Tribunal may make a default order-
 - (a) after it has considered or heard any necessary evidence; and
 - (b) if it is satisfied that the application documents were adequately served.
4. The Respondent made an appearance at the hearing and requested a postponement. The Respondent argued that he has filed an answering affidavit on the Tribunal but was not aware that he needed to serve the document on the Applicant. He requested a postponement in order to file a condonation application for the late filing of the answering affidavit and to serve the answering affidavit on the Applicant.
5. The Applicant did not oppose the request for postponement.
6. The Tribunal decided that in the interest of justice it would be better to have the full matter before the Tribunal and to have both parties heard.

ORDER

7. The Tribunal made the following order:-
 - 7.1 The matter is postponed for the Respondent to file and serve a condonation application for the late filing of its answering affidavit in terms of the Tribunal Rules. The condonation application must be served and filed no later than 7 September 2018.
 - 7.2 Should the Respondent fail to file and serve the condonation application by 7 September 2018, the matter will be set down again on a default basis.
 - 7.3 There is no order made as to costs.

DATED 4 September 2018

(signed)

Ms. H Devraj

Presiding Member

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