

SOUTH AFRICA / JUDGMENT

Sager obo Jiyane and Another v Absa Bank Limited and Others (NCT/60170/2016/165(1)(P)) [2017] ZANCT 85 (15 May 2017)

[2017] ZANCT 85

COURT

National Consumer Tribunal

BEFORE

J Simpson

CASE / FILE NUMBER

NCT/60170/2016/165(1)(P)

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IN THE NATIONAL CONSUMER TRIBUNAL HELD AT CENTURION

Case Number: NCT/60170/2016/165(1)(P)

In the matter between:

BENAY SAGER

APPLICANT

NCR REGISTRATION NUMBER: 2484

And

PROTAS MDUDUZI JIYANE IDENTITY NUMBER: [7...] PUSELETSO ROSELINE JIYANE IDENTITY NUMBER: [8...] 1ST CONSUMER 2ND CONSUMER

ABSA BANK LIMITED

&nbsp; &nbsp; 1st Respondent \ Credit Provider

&nbsp; &nbsp; ADDCON (PTY) LTD

&nbsp; 2nd Respondent \ Credit Provider

&nbsp; &nbsp; CAPITEC BANK LIMITED

&nbsp; &nbsp; 3rd Respondent \ Credit Provider

 FOSCHINI RETAIL GROUP (PTY) LTD 4th Respondent \ Credit Provider

 MARKHAMS, A DIVISION OF THE FOSCHINI RETAIL GROUP (PTY) LTD

 5th Respondent \ Credit Provider

 NEDBANK LIMITED

 6th Respondent \ Credit Provider

 WESBANK, A DIVISION OF FIRSTRAND BANK LIMITED

 7th Respondent \ Credit Provider

 WOOLWORTHS (PTY) LIMITED

 8th Respondent \ Credit Provider

VARIED CONSENT ORDER

The original order on this matter was issued on 21 October 2016. The debt counsellor subsequently informed the Tribunal that the identity numbers for the consumers were wrongly reflected on the order and applied for it to be varied. The application was granted and the order is now varied to reflect the correct identity numbers. No other changes have been made to the order.

The Tribunal, having read the papers filed of record and being satisfied that the Applicant(s) and The Respondent(s) are parties to a debt re-arrangement facilitated by a Debt Counsellor under section 86(7)(b) read with section 138(1) of The National Credit Act, Act 34 of 2005 (the Act), hereby makes the following order:

1. The payment structure between the consumer (s) and the credit provider(s) is confirmed as an order of the Tribunal in terms of section 150 of the Act

2.

 Credit Provider

 Reference

 Current Outstanding

 Proposed Payment Period Proposed Annual Interest Proposed Instalment Driva
Protect VAP & Linked Insurance 1

 FOSCHINI RETAIL GROUP (PTY) LTD

 0010010000278857393

 R3,882.33

 59 2.35 % R72.31 2

 MARKHAMS, A DIVISION OF THE FOSCHINI RETAIL GROUP (PTY) LTD

 0012010001010409960

 R3,672.22

 59 2.35 % R68.40 3

 NEDBANK LIMITED

 5898460926678624

 R15,417.02 59 2.35 % R275.64 4

 WOOLWORTHS (PTY) LIMITED

 6007850191826401

 R3,728.62

 59 2.35 % R69.73 5

 ADDCON (PTY) LTD

 2563274

 R5,364.16

 Until Settled 0.79 % R94.17 6

 WESBANK, A DIVISION OF FIRSTRAND BANK LIMITED

 85225431406

 R70,298.39

 69 9.13 % R1,417.17 R95.00 7

 ABSA BANK LIMITED

 0000003041185197

 R57,030.85

 1 1.06 % R219.17 58 R1,041.51 8

 ABSA BANK LIMITED

 8073494002

 R110,988.35

 1 9.05 % R247.40 R116.20 59 R1,058.82 218 R1,283.07 9

 ADDCON (PTY) LTD

 18191400

 R22,959.26

 Until Settled 1.13 % R377.09 10

 CAPITEC BANK LIMITED

 1363597467

 R73,059.40

 60 2.52 % R1,305.86 11

 CAPITEC BANK LIMITED

 1466315170

 R64,959.33

 60 2.43 % R1,161.88

2. The parties' attention is drawn to sections 71(1),71(5)(a) and 152 of the Act which states as follows:

Section 71(1).

A consumer, whose debts have been re-arranged in terms of part D of this chapter, may apply to a debt counsellor at any time for a clearance certificate

Section 71(5)

Upon receiving a copy of a clearance certificate, a credit bureau, or the national credit register must expunge from it's records the fact that the consumer was subject to the relevant debt re-arrangement order or agreement

Section 152

Any decision, judgement or order of the Tribunal may be served, executed and enforced as if it were an order of the High Court.

3. The parties are warned that failure to comply with the order of the Tribunal constitutes an offence in terms of section 160(1) of the Act

Dated at CENTURION on 15 May 2017

Adv J Simpson Presiding Member National Consumer Tribunal

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