

SOUTH AFRICA / JUDGMENT

Witbooi v Standard Bank of South Africa Ltd (NCT/22543/2015/137(3)(P)NCA) [2015] ZANCT 33 (11 December 2015)

[2015] ZANCT 33

COURT

National Consumer Tribunal

BEFORE

H Devraj

CASE / FILE NUMBER

NCT/22543/2015/137(3)(P)NCA

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IN

THE NATIONAL CONSUMER TRIBUNAL

HELD

IN CENTURION

Case

Number: NCT/22543/2015/137(3)(P)NCA

In

the matter between:

B
WITBOOI
APPLICANT
and
THE
STANDARD BANK OF SOUTH AFRICA
LTD
RESPONDENT

Coram:

Ms
H Devraj
–
Presiding member
Date
of hearing
–
11 December
2015

JUDGMENT**AND REASONS****APPLICANTS**

1. The Applicant is B Witbooi, (hereinafter referred to as “the Applicant”).

RESPONDENTS

2. The Respondent is Standard Bank of South Africa, a registered credit provider with the National Credit Regulator (hereinafter referred to as “the Respondent”).

BACKGROUND

3. During March 2015, the Applicant lodged an application with the Tribunal in terms of Section 137(3) of the National Credit Act 34 of 2005 (hereinafter referred to as “the Act”), which is an application upon failure of alternative dispute resolution between a consumer and a credit provider.
4. The basis of the Application and the order that was sought, was for the Tribunal to order the credit provider to assist the consumer in a consensual manner in terms of the Credit Indutstry Code, to repay the debt in affordable instalments.
5. On the date of the hearing there was no appearance by the Applicant or the Respondent.

DISMISSAL OF APPLICATION

6. As stated above there was no appearance by the Applicant or any representative on the date of the hearing.
7. Rule 24 of the National Consumer Tribunal Regulations states the following:

“Non appearance

- (1) If a party to a matter fails to attend or be represented at any hearing or any proceedings, and that party-
 - (a) is the applicant, the presiding member may dismiss the matter by issuing a written ruling;
or
 - (b) is not the applicant, the presiding member may-
 - (i) continue with the proceedings in the absence of that party; or
 - (ii) adjourn the hearing to a later date
- (2) The Presiding member must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of subrule (1)

- (3) Is a matter is dismissed, the Registrar must send a copy of the ruling to the parties.”
8. The notice of set down was sent to all the parties by the Registrar’s office via e-mail on 18 November 2015. On 18 November 2015, the Registrar received an e-mail in reply from both the Applicant and the Respondent acknowledging receipt of the set down notice.
9. At the time the matter was called by the Presiding member, there was no appearance by any of the parties.
10. The Presiding member of the Tribunal was satisfied that the parties were properly notified of the date, time and venue for the proceedings.
11. The application was then formally dismissed by the Presiding member on record.

ORDER

Accordingly, the Tribunal confirms the following order made at the hearing:

12. The application lodged in terms of Section 137(3) of the Act is hereby dismissed.

DATED ON THIS 11TH DAY OF DECEMBER 2015

[signed]

Mrs H Devraj

Presiding Member

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