



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 19 December 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Deon Smith and Others v Sasfin Bank and Another (Case no 507/2024) [2025] ZASCA 198 (19 December 2025)

Today, the Supreme Court of Appeal (SCA) struck from the roll, with costs, a reconsideration application brought in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 against an order of the Gauteng Division of the High Court, Pretoria.

The matter arose from two default judgments granted by the registrar of the high court in favour of Sasfin Bank Ltd against the applicants for payment of amounts due under a master rental agreement and related deeds of suretyship. The applicants' subsequent application for rescission of those default judgments was dismissed by the high court, and both their application for leave to appeal and petition to the SCA were refused.

The issue before the SCA was whether the applicants had met the threshold requirement under section 17(2)(f), namely whether exceptional circumstances existed demonstrating a grave failure of justice or a risk of bringing the administration of justice into disrepute, warranting reconsideration of the refusal of leave to appeal.

The SCA reiterated that section 17(2)(f) is not a mechanism to secure another opportunity to appeal, but a narrow safeguard against manifest injustice. The Court found that the applicants failed to establish any exceptional circumstances, noting in particular their failure to provide a

reasonable explanation for their default and delay, and their inability to demonstrate a bona fide defence with prospects of success.

The Court further found that the applicants' contention that the master rental agreement was a simulated transaction was unsupported by evidence and contradicted by detailed affidavits filed on behalf of the respondents. The differences between the two default judgment orders were also found to be without substance and capable of being read together.

In the result, the SCA struck the reconsideration application from the roll with costs.