



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: 29 July 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

Annandale v Meintjes and Meintjes Rekenmeesters CC and Another (632/2023) [2025]
ZASCA 113 (29 July 2025)

Today the Supreme Court of Appeal (SCA) struck from the roll with costs an application for the reconsideration of a refusal to grant special leave to appeal against a majority judgment of the full court of the Gauteng Division of the High Court, Pretoria (the full court). The application was pursuant to a referral under s 17(2)(f) of the Superior Courts Act 10 of 2013 (the Superior Courts Act).

The disputed terms of the oral agreement concluded between the applicant, Ms E Annandale, and the respondent, Meintjes and Meintjes Rekenmeesters CC (the practice) were referred for the hearing of oral evidence by the high court. The applicant's version of the agreement was that she would take over the entire accounting practice in exchange for concluding the outstanding professional work for the practice's several clients. The respondent's version, on the other hand, was that the applicant would perform professional work for the practice as a sub-contractor and would be entitled to one-third of the net profit of the practice as compensation after the deduction of the business expenses, whereas two-thirds would be allocated to the practice.

The high court accepted the evidence adduced by the respondent and rejected the applicant's evidence as improbable and granted the respondent the relief sought in the notice of motion which included the investigation and calculation of the practice's income and expenditure for a certain specified period by an independent Auditor. Thereafter, high court refused the applicant's leave to appeal which was ultimately granted by the SCA to the full court. The full

court confirmed the high court's order and dismissed the appeal. The applicant filed special leave to appeal the full court's judgement and order to the SCA which was dismissed by two judges of the SCA because the requirements for special leave were not satisfied. The applicant then successfully applied to the President of the SCA in terms of s 17(2)(f) of the Superior Courts Act, contending that exceptional circumstances were present which justified the granting of the reconsideration of her special leave to appeal.

Therefore, the appeal concerned whether exceptional circumstances existed that establish the necessary jurisdiction for the SCA to reconsider the decision on petition to refuse special leave.

The SCA held that, while the appeal may be important to the parties personally, the case raised nothing of public importance that warranted its special attention. The SCA stated that there was great diversity in the personal circumstances of litigants who approach the courts. Without trivialising the personal impact that the outcome of litigation may have on an individual litigant, in determining the existence of exceptional circumstances, the Court had to properly direct itself to the relevant facts and principles at hand. The SCA found that the personal circumstances advanced by the applicant were unique to her and did not amount to 'exceptional circumstances' as defined.

The SCA further held that in the application of substantive issues of law, to come to a conclusion on the disputed issues, a court must make findings on, *inter alia*, the credibility of the various factual witnesses. The fact that certain adverse credibility findings were made against the applicant in the high court did not merit any interference by the SCA on appeal. How the high court and full court applied the substantive issues of law and fact, and assessed the probabilities, was not an exceptional circumstance. The SCA found that no cogent argument, that justice will be denied without the possibility of an appeal, had been advanced, nor could it find any grounds for concluding that that would be the case.

While the prospects of success alone did not constitute an exceptional circumstance, to the extent that they were relevant, the SCA held there was nothing to indicate any misdirection by the high court and the majority of the full court in accepting the respondent's version.

Insofar as the SCA found that exceptional circumstances were non-existent, it followed that absent this jurisdictional fact, the application had to be struck from the roll with costs.

~~~~ends~~~~