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: 18 November 2026
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

Draycott v Bega (069/2024) [2026] ZASCA 154 (18 November 2026)

Today, the Supreme Court of Appeal (SCA) dismissed, with costs, an application by Mr Simon Lindsay Draycott (the applicant) for condonation and reinstatement of his application for reconsideration of the refusal of leave to appeal in terms of s 17(2)*(f)* of the Superior Courts Act 10 of 2013.

The dispute arose from the sale of two immovable properties by the applicant to the Atlas Commercial Property Trust (the Trust) for a combined purchase price of R3 325 000. It subsequently emerged that the properties belonged to the eThekwini Municipality and had been transferred without its authority. The transfers were set aside, and the KwaZulu-Natal Division of the High Court, Durban, (the high court) ordered the applicant to repay the Trust the purchase price and associated costs. After leave to appeal was refused, the applicant sought reconsideration of that refusal. However, his failure to comply with the SCA Rules resulted in the matter being struck from the roll.

The issues before the SCA were whether the applicant had provided a reasonable explanation for his failure to comply with the prescribed time periods and whether exceptional circumstances existed to justify reconsideration of the refusal of leave to appeal.

The SCA held that the applicant had failed to provide a reasonable explanation for the late filing of his heads of argument and the subsequent delay in seeking condonation. The SCA further held that the applicant had failed to establish exceptional circumstances warranting reconsideration under s 17(2)*(f)* of the Superior Courts Act. In particular, his contention that the high court had disregarded an earlier order concerning the separation of claims was unfounded. The SCA concluded that the application for reconsideration had no prospects of success.

In the result, the SCA dismissed the application for condonation and reinstatement of the application for reconsideration, with costs.