



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: 1 April 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

*The Rock Foundation Properties CC v Dosvelt Properties (Pty) Limited (496/2023) [2026]
ZASCA 43 (1 April 2026)*

Today, the Supreme Court of Appeal (SCA) dismissed an application for the review of the Taxing Master's refusal to state a case for the decision of the President of this Court, in accordance with Supreme Court of Appeal rule 17(3) (SCA rule).

The taxation process followed the dismissal of the applicants' application for reconsideration of a refusal of leave to appeal under section 17(2)(f) of the Superior Courts Act 10 of 2013. On 9 June 2023, the SCA ordered the application to be struck from the roll and ordered the applicants to pay the respondents' costs. The respondents subsequently presented their Bills of Costs for taxation. The taxation was initially scheduled for 13 August 2025 but was postponed to 20 August 2025 at the second applicant's request to allow time to retain new legal representatives. On the rescheduled date, neither the second applicant nor any legal representative attended the hearing, and the taxation proceeded in their absence.

On 17 September 2025, the applicants requested the Taxing Master to state a case for determination by the President of the SCA regarding the items allowed during the taxation.

The applicants contended that they faced difficulties securing new representation and argued that their former attorneys lacked the authority to communicate with the Taxing Master. The Taxing Master refused to state a case. Relying on established SCA precedent, she determined that a party who fails to attend a taxation and fails to raise objections before the Taxing Master is not entitled to seek a review under SCA rule 17(3).

This Court held that SCA rule 17(3) strictly limits the review procedure to items that were either specifically objected to during taxation or disallowed by the Taxing Master *mero motu*. The Court found that a party who does not attend the taxation hearing cannot utilise the review procedure under SCA rule 17(3) to challenge the Taxing Master's refusal to state a case. The rule requires the stated case to set out the grounds of objection advanced at the taxation, a requirement that cannot be met if the party was absent. The Court further clarified that while a litigant's absence might, in certain circumstances, serve as a ground for setting aside a taxation (similar to setting aside a default judgment), SCA rule 17(3) is not the appropriate remedy for such procedural dissatisfaction.

As the applicants did not attend the taxation and thus did not raise objections to any items, the Taxing Master correctly declined the request to state a case.

As a result, the application was dismissed with costs.

~~~~ends~~~~