



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 29 May 2007
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

CASE ***THE PIETERMARITZBURG SOCIETY FOR THE PREVENTION OF
CRUELTY TO ANIMALS v JUNAID PEERBHAI***
(Case No 422 / 06)

Media Statement

Today the Supreme Court of Appeal dismissed an appeal by the Pietermaritzburg SPCA. The appeal was a sequel to a motor vehicle collision between a Nissan bakkie owned by it and a Toyota car then driven by the respondent Mr Junaid Peerbhai. The collision occurred at approximately 19:30 on 21 July 2001 in the vicinity of Woodhouse and Alice Grange Roads in Pietermaritzburg. In consequence of the collision the SPCA sued Mr Peerbhai in the Pietermaritzburg Magistrates' Court for payment of R21 330 being damages allegedly suffered by it. The claim was dismissed in that court and then an appeal which followed to the Pietermaritzburg High Court was unsuccessful.

The SCA held that there were two mutually destructive versions, the SPCA upon whom the onus rested could only succeed had it been able to satisfy the trial court that its version was true and acceptable and the version advanced by Mr Peerbhai was either false or mistaken and felt to be rejected. That, according to the SCA the Pietermaritzburg SPCA had failed to do. It accordingly concluded the trial court was correct in its conclusion that the SPCA had not discharged the onus resting upon it. The SCA re-iterated that law courts should give careful consideration to the grant of leave to appeal to it. In this matter given the value of the claim which was paltry when compared to the legal costs and the absence of any question of principle the SCA expressed reservations about the appropriateness of the High Court granting leave to appeal to it.

--- ends ---