



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: 17 September 2007

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

On 17 September 2007 the Supreme Court of Appeal handed down judgment in *Webtrade Inv No 45 (Pty) Ltd and Cheralee Saby v Andries van der Schyff en Seuns (Pty) Ltd t/a Complete Construction*. The appellants' appeal against a judgment of the Johannesburg High Court in terms of which the respondent was restored to possession of premises situated at 463 Rooibekkie Lane, Featherbrooke Estate was dismissed with costs.

The respondent constructed a dwelling at the aforesaid address after its tender in an amount of R2.3 million was accepted. A dispute arose concerning costs of construction. The appellants obtained a set of keys and took possession of the premises

against the objections of the respondent which was exercising a builder's lien at the time.

The respondent successfully applied to the Johannesburg High Court to restore it to possession of the premises. The appellants had relied on the provisions of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE). The provisions of PIE provide procedural and substantive protection to the landless. The Johannesburg High Court held that PIE did not apply to the circumstances of this case. This court in dismissing the appeal agreed with that conclusion.

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