



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: 27 November 2008

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

J B KRUGER v JOLES EIENDOM (PTY) LTD

1. The appellant and the respondent owned adjoining properties in Dorp Street, Stellenbosch. Between the properties there is a passage over which each property has a servitude. The SCA held that the servitude had to be narrowly interpreted as conferring only a right of way from Dorp Street to the backyards of the properties. As the passage had not been used by the respondent for that purpose for more than thirty years, it was held that the servitude in his favour had become extinguished by prescription.

2. The SCA also held that the appellant had become the owner of a piece of land belonging to the defendant at the end of the passage by acquisitive prescription as he had occupied it and treated it as his own for more than thirty years.

--ends--