



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:

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

S Pillay and Another v I Shaik and Others

The Supreme Court of Appeal today allowed an appeal brought by Mr Selvin Pillay and Dr Makgala Solomon Motlanthe against a judgment delivered in the Pietermaritzburg High Court in favour of six developers, relating to two units in a property development known as the Lazy Lizard at Umdloti on the North Coast of KwaZulu Natal.

In the Pietermaritzburg High Court, Mr Justice Nicholson, with whom Ms Justice K Pillay and Mr Justice Madondo concurred, upheld an appeal from a judgment in favour of Mr Pillay and Dr Motlanthe given by Ms Justice Balton in the Durban High Court. They held that the agreements for the sale of members' interests in the close corporations to which the units in question were allocated, on which Mr Pillay and Dr Motlanthe relied, were not binding because they were not signed by the sellers. The Supreme Court of Appeal held that this was not correct as there was no prior agreement between the parties that the sale agreements had to be in writing and signed.

The Supreme Court of Appeal held further that though the offers to purchase signed by Mr Pillay and Dr Motlanthe in effect required the prospective sellers to sign, the sellers by their conduct had led Mr Pillay and Dr Motlanthe reasonably to believe that they had duly accepted the offers and they were accordingly bound.