



**THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA**

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

1 June 2009

STATUS: Immediate

Spearhead v E & D Motors (214/2008)[2009] ZASCA 70 (1 June 2009)

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

The SCA today upheld an appeal by Spearhead Property Holdings (Pty) Ltd against a judgment in the Cape Provincial Division of the High Court in terms of which Spearhead had been ordered to transfer a portion of the property on which the Ottery Shopping Centre in Cape Town is situated. The property in question has been leased by the Toyota franchise, E & D Motors (Pty) Ltd since 2003 and the lease contained an option, in favour of E & D Motors, to purchase the leased property together with an additional area for parking. Spearhead bought the property from the original landlord at a time when the lease to E & D Motors was already in force. The majority of the judges held that E & D Motors was not entitled to exercise the option against Spearhead, but that it should have been exercised against the original landlord.