



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 24 May 2010
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.

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DE AGUIAR v REAL PEOPLE HOUSING

– Case No 426/09

The Supreme Court of Appeal today dismissed an appeal by Mr Anselmo De Aguiar (the appellant) against an eviction order granted by the South Gauteng High Court, Johannesburg.

The appellant applied to the SCA for leave to lead new evidence so as to establish a lien over the property in question as a defence to a claim for his eviction from a smallholding in Meyerton, Gauteng. He alleged that he had spent ‘considerable amounts of money’ in respect of necessary and useful improvements to the property.

The SCA referred to previous authorities, where it was held that, in the interests of finality, the court’s powers to allow further evidence ‘should be exercised sparingly and further evidence on appeal should only be admitted in exceptional circumstances’. With reference to the facts on which the appellant relied, the SCA held that the appellant’s application did not comply with any of the requirements laid down in the authorities. The appeal was accordingly dismissed with costs. The appellant and

all other persons occupying the premises with him will now have to vacate the premises within 60 days from the date of the SCA's order.

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