



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: 11 March 2011

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.

GROBBELAAR v SHOPRITE CHECKERS

The Supreme Court of Appeal dismissed an appeal today by three former employees of the plaintiff's predecessor who were sued in the Cape high court for damages arising from their breaches of agreements in restraint of trade they had entered into with companies subsequently acquired by the plaintiff. The Cape high court upheld the plaintiff's claim and held that the defendants were liable to the plaintiff. It was ordered that the quantification of the damages allegedly suffered be postponed until after adjudication of the question of liability. The Supreme Court of Appeal found that the defendants had established and funded a buying organisation,

The Buyers Exchange Company (Pty) Ltd, in breach of their restraint agreements which competed with Megasave and Sentra, the businesses of which were acquired by the plaintiff's predecessor and subsequently by the plaintiff, and caused certain members to resign from them. The court also found that the plaintiff had acquired the rights arising from the restraint agreements and their breach when it acquired the entire business of its predecessor.