



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: 9 September 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

MARK JULIAN ATKIN v PETRUS JACOBUS BOTES

1. The appellant, Atkin, shot the respondent, Botes, with a firearm. Botes sued Atkin for damages. Botes also alleged in ancillary proceedings that Atkin was dissipating his assets in order to defeat Botes' claim. The North Gauteng High Court agreed and issued an interdict preventing Atkin's attorneys from paying over to him the proceeds of the sale of his house, pending the conclusion of Botes' action for damages.

2. Atkin noted an appeal to the SCA. The SCA pointed out that the interdict could be altered or even discharged by the North Gauteng High Court if its continued operation caused hardship to Atkin or his family. The interdict was therefore not final, and not appealable for that reason. The appeal was struck off the roll.

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