



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE
SUPREME COURT OF APPEAL

23 March 2011

STATUS: Immediate

**MOKALA BELEGGINGS (PTY) LTD & ANOTHER V MINISTER OF RURAL
DEVELOPMENT AND LAND REFORM AND OTHERS (276/11)**

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 Supreme Court of Appeal (the SCA) today upheld an appeal from the Land Claims Court which had dismissed the appellants' claim for mora interest.

The appellants had sold their properties to the Department of Rural Development and Land Reform for restoration to the Barolong ba ga Mariba community, who had successfully lodged a restitution claim in respect of the property.

It became common cause that the Department had instructed its conveyancers to delay the registration of the transfer of the properties due to the Department's inability to pay the purchase price, as it had no funds on its budget. The SCA held that the appellants, as sellers, were entitled to mora interest on the purchase price to compensate them for their damages suffered as a consequence of the delay in payment of the purchase price.

The SCA also deprecated the apparent practice by the Department to delay payment of monies due in instances of land restitution claims.

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