



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: 29 March 2012
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

Neutral citation: *National Scrap Metal v Murray & Roberts* (809/2011) [2012] ZASCA 47 (29 March 2012)

The respondents, Murray & Roberts Ltd, Murray & Roberts Steel and Cape Town Iron & Steelworks, all members of the Murray & Roberts group of companies, successfully obtained an order evicting the appellants from certain premises owned by Murray & Roberts in Kuilsrivier, Cape Town. The appellants had previously occupied the premises in terms of certain lease agreements which had either lapsed or had been terminated by notice. The appellants, however, alleged that they were entitled to remain in occupation of the premises in terms of an oral lease for a further period of ten years. The respondents denied that such a lease had ever been concluded. When the matter came before the Western Cape High Court, Cape Town neither side requested that oral evidence be taken in regard to the dispute as to the existence or otherwise of the alleged oral agreement. The high court, however, concluded on the papers alone that the appellants' allegations in regard to the conclusion of the oral agreement were so untenable that they could be rejected without hearing oral evidence.

The Supreme Court of Appeal today ruled otherwise. It found that the versions of both sides contained certain improbabilities, but that it could not be found on the papers alone that the

version of the appellants in regard to the oral lease could be rejected as palpably false. In these circumstances the appeal was allowed and the order evicting the appellants from the property concerned as set aside.

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