



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: 30 MAY 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.

Seyffert & Seyffert v Firstrand Bank Ltd

The Supreme Court of Appeal today dismissed an appeal from a decision of the Johannesburg High Court granting summary judgment against two consumers on a claim based on a mortgage bond. The two consumers had applied for debt review but the credit provider had terminated the debt review in terms of s 86(10) of the National Credit Act 34 of 2005. In exercising its discretion whether or not to grant summary judgment the court below considered the proposals put forward by the debt counsellor on behalf of the two consumers and found them to be 'devoid of economic rationality'. The SCA agreed with this approach. The SCA also stated that where s 85 of the NCA is concerned a court should be slow to

exercise its discretion to make either of the orders envisaged in s 85 where the matter has been dealt with by a debt counsellor or a debt review has justifiably been terminated, and where no material change in circumstances has been demonstrated.