



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: 30 November 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: *Basson v Niemann* (150/2012) [2012] ZASCA 203 (30 November 2012)

The parties to this appeal formerly practised together as partners in a firm of attorneys in Pretoria. After the dissolution of their partnership, the respondents sued the defendant for payment of certain partnership debts which they alleged he was obliged to pay by reason of the terms of their partnership agreement. The appellant pleaded that the respondents' claims had prescribed. His special plea of prescription, which was set down for adjudication as a separate issue, was dismissed by the high court, Pretoria. The appellant appealed against that decision to the Supreme Court of Appeal.

The Supreme Court of Appeal today held that all the material facts relevant to the respondents' claims had been within their knowledge more than three years before they instituted their action against the appellant. It therefore concluded that the high court had erred in deciding that the claim had not prescribed. The appeal was allowed and the high court's order replaced with an order upholding the special plea of prescription and dismissing the respondents' claims.

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