



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: 3 December 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*

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**Neutral citation:** *Margalit v Standard Bank of SA Ltd* (883/2011) [2012] ZASCA 208 (3 December 2012)

The appellant sold an immovable property he owned in Johannesburg for R3 million and instructed a firm of attorneys to effect transfer to the purchaser. The property was bonded to Standard Bank, and in order for transfer to be effected, its bonds over the property had to be cancelled. Standard Bank instructed the second respondent, a firm of attorneys, to act on its behalf in cancelling the bonds. The appellant received his purchase price only after considerable delay in effecting transfer.

The appellant sued both Standard Bank and the second respondent for damages, alleging that he had lost interest on his purchase price as a portion of the period of the delay had been due to negligence on the part of the second respondent. The claim succeeded in the magistrates' court but that order was set aside on appeal to the high court.

The Supreme Court of Appeal today ruled that the second respondent had been negligent in the manner in which it had dealt with the cancellation of Standard Bank's bonds. In doing so it stressed that a conveyancer should be fastidious in examining the documents lodged in the deeds office, and found that the standard of care exercised by the second respondent fell well short of what was expected of a reasonable conveyancer. It therefore concluded that the high court had erred in finding that the respondents were not liable to the appellant. The appeal succeeded and the high court's order was set aside.

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