



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 11 MARCH 2013
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Dengetenge Holdings (Pty) Ltd
v
Southern Sphere Mining and Development Company Ltd & others
(619/12) [2013] ZASCA 5 11 March 2013)

Media Statement

Today the Supreme Court of Appeal (SCA) dismissed an application by Dengetenge Holdings (Pty) Ltd for condonation and the reinstatement of its appeal. The appeal had lapsed as a result of Dengetenge's failure to file its heads of argument as required by the Rules of the SCA.

Despite having being informed by the Registrar of the SCA that its appeal had lapsed and appreciating that an application for condonation and the reinstatement of its appeal was, as a consequence, necessary Dengetenge failed to take any steps to remedy the situation for approximately six months. In dismissing the application for condonation, the SCA held that: (a) Dengetenge had failed to advance an acceptable explanation for the delay; (b) the two respondents, Southern Sphere Mining and Development Company Limited and Rhodium Reefs Limited, who had been granted prospecting rights over the properties and had already expended large sums of money in exercising those rights, had been severely prejudiced by Dengetenge's delay in prosecuting the appeal; and (c) there were no prospects of

success on appeal. With regard to the last mentioned, the SCA held that Dengetenge had abandoned its opposition to the application in the high court and that it could not, on appeal, seek to advance a case that it had specifically abandoned before that court. The SCA accordingly dismissed the application for condonation, refused to reinstate the appeal and ordered Dengetenge to pay the necessary costs.

--- ends ---