



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: 31 May 2013  
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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**ARENDSNES SWEEFSPoor CC v DALIA MARCELLE BOTHA**

The SCA today dismissed with cost an appeal by the appellant, Arendsnes Sweefspoor CC, against a ruling of the North Gauteng High Court (Pretoria) which found that a service of a summons at the registered office or registered address of the corporation was substantially compliant with Rule 4(1)(a)(v) of the Rules of Court and therefore good enough to interrupt prescription.

The respondent, Ms Dalia Marcelle Botha was injured when she fell from one of the cable cars operated by the appellant. She sustained bodily injuries and sued the appellant for damages.

When serving the summons on the appellant, the sheriff was informed that the appellant's businesses had closed down about a year ago. The appellant was no longer doing business on the said premises. Ms Botha's attorneys instructed the sheriff to serve the summons on a willing and responsible person found on the premises, even though that person was not employed by the appellant. The reason being that the appellant, when closing down the business did not change its registered office or registered address with the Registrar of Companies.

The failure by the appellant to change its registered office or registered address with the Registrar rendered it impossible for the respondent to strictly comply with Rule 4(1)(a)(v). The appellant was obliged in terms of section 25(1) of the Close Corporation Act 69 of 1984 to have a registered office or registered address to which all notices may be address or delivered.

Rule 4(1)(a)(v) regulates the service of court processes in the case of service on a corporation or company. It also provides that if there are no employees willing to accept service, by affixing a copy to the main door of such office or place of business.

This court ruled that even though the summons was not strictly served in terms of Rule 4(1)(a)(v), that is by handing it to an employee of the appellant or by affixing a copy to the main door of the office, it was nevertheless substantial compliance with the rule as the premises were the only registered office or registered address available.

Therefore such service is good and proper and does interrupt prescription.