



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: 26 March 2014
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.

**ROYAL ANTHEM INVESTMENTS 129 (PTY) LTD
V
YUEN FAN LAU & ANOTHER**

The parties in this appeal had concluded a conditional agreement of sale relating to an immovable property in a golf estate in Tshwane that the respondents wished to purchase for R3,6 million. The sale eventually fell through but only after the respondents had paid a deposit of R720 000 and transfer duty of R264 723 to the conveyancing attorney appointed by the appellant to attend to transfer of the property.

The respondents demanded that the deposit and transfer duty be repaid to them. Acting on instructions from the appellant, the conveyancing attorney refused to do so. The respondents successfully sued the appellant in the North Gauteng High Court for repayments of that amounts but the appellant appealed to the Supreme

Court of Appeal, arguing that he was entitled to keep the amounts under the terms of the conditional agreement of sale.

The Supreme Court of Appeal dismissed this appeal, holding that the amounts were not sums the appellant had been entitled to retain and that they ought to have been repaid when the sale fell through.