



## THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

### MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** November 2014  
**STATUS** Immediate

*Jili v Firstrand Bank Ltd t/a Wesbank (763/2013)*

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

Today the Supreme Court of Appeal dismissed an appeal by a defaulting credit consumer. Having fallen into arrears, the appellant had concluded a debt restructuring agreement with her creditors. This had been made an order of court. Thereafter the appellant had failed to comply with the court order for two consecutive months. The bank applied to the high court for summary judgment. The appellant, who had been defendant in the high court, defended the action and attempted to make good the arrears two months later by paying the outstanding amounts of the two previously defaulted months. The high court granted the bank summary judgment. The sheriff was ordered to attach the vehicle in question.

The appellant was granted leave to appeal and disputed not only the correctness of the decision of the high court judge in exercising his discretion to grant summary judgment, but also the right of a creditor to proceed without further notice to any

party where a debt-restructuring agreement was concluded by various creditors and the debtor.

The judges of Appeal ultimately confirmed The Constitutional Court's interpretation of section 88(3) of the National Credit Act 34 of 2005 that a creditor has the right to enforce its rights without further arrangements or notice to any party and obtain judgment against the debtor.