



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: 2 June 2016
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

Neutral Citation: *Koukoudis v Abrina* (20747/2014) [2016] ZASCA 95 (2 June 2016)

The respondents sued the appellants in the Gauteng Division of the High Court, Pretoria alleging that they had suffered damages by reason of the appellants having objected to the establishment of a township, the result of which had led to a delay in them completing and occupying new business premises. Although the appellants had acted in terms of an Ordinance to object to the development of a township, the trial court held that they had abused their right to do so. The court therefore ordered the appellants to pay substantial damages to the respondent.

The appellants appealed against this order to the Supreme Court of Appeal which, today, upheld their appeal. It held that the claim based on an abuse of right was one which should be recognised, even though the right allegedly abused was one bestowed by statute. However, it held that the respondents had failed to prove its allegation that the appellants, in objecting to the proposed township, had acted with the ulterior purpose of causing them financial harm. It found that the respondents had sought to protect a legitimate interest, namely, their investment in another shopping mall and in doing so had not abused their rights. It therefore held that the high court had erred in holding the appellants liable to the respondents for damages. The appeal was allowed and the claim of the respondents dismissed.

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