



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 29 February 2018
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.

Pietermaritzburg and District Council for the Care of the Aged (PADCA) v Redlands Development Projects (Pty) Ltd (184/17) [2018] ZASCA 051 (29 March 2018)

The Supreme Court of Appeal (SCA) dismissed the appeal against a judgment of the KwaZulu-Natal Division of the High Court, Pietermaritzburg. The appellant, which owns a lower property, applied to stop the respondents who own higher properties from disposing of their stormwater onto the lower property. The respondents were discharging their stormwater into the municipal stormwater drainage system. Their water, combined with water from Old Howick Road and other properties, increased the flow into the watercourse on the appellant's property. The Court found that the respondents disposed of their stormwater in accordance with plans approved by the municipality. The disposal was lawful. The appellant's alternative claim based on neighbour law was unjustified.