



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: Thursday 29 May 2008

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

*Amanita Premier Oils v Praysa Trade (247/07) [2008] ZASCA 59 (29 May 2008)*

In a judgment delivered today, the Supreme Court of Appeal has reversed the factual findings of the Pretoria High Court in a case in which a Zambian-registered corporation, the appellant (plaintiff), sued the defendant for the rest of the purchase price for more than 900 metric tons of groundnuts delivered under an agreement of sale concluded in August 2004.

After analysing the parties' transactions and the oral and documentary evidence, the SCA concluded that the High Court should have found that:

- (i) the plaintiff established that the sole terms relating to the product to be delivered were those the parties recorded in their written agreement of 6 August 2004;
- (ii) those terms entailed that the plaintiff would deliver 'farmer's grade' nuts that were hand cleaned, but which were of lower quality than choice grade or 'hand picked select';
- (iii) there was no specification regarding aflatoxin levels;
- (iv) barring the loads the defendant rejected, and excepting the wet and mouldy bags the defendant expressly specified, the plaintiff in fact delivered according to specification.

The SCA accordingly upheld the appeal with costs, and set aside the order of the High Court. In its place, the defendant was ordered to pay the plaintiff R708 417.49 plus interest.