

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: 18 May 2017

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.

**Moraitis Investments (Pty) Ltd v Montic Dairy (Pty) Ltd**

Moraitis Investments and the Moraitis Trust entered into a settlement agreement relating to widespread litigation in Gauteng involving a number of companies and a business relationship between Mr Apostolos Moraitis and Mr Karl Kebert spanning some thirty years. After the agreement had been concluded it was made an order of court. When it came to the implementation of the agreement both Moraitis Investments and the Moraitis Trust contended that Mr Moraitis had not been authorised by them to conclude the agreement and they sought an order setting aside both the agreement and the court order.

The SCA held that a judgment may only be set aside in limited circumstances, but that if it had been granted in the mistaken belief that one of the parties had consented to it that was a ground for setting it aside. However, it was for Moraitis Investments and the Moraitis Trust to prove that Mr Moraitis lacked the necessary authority and they failed to do so. Accordingly the appeal was dismissed.