

Supreme Court of Appeal, Registrar's Office • PO Box 258, Bloemfontein, 9300 • c/o Elizabeth- &
President Brand Street, Bloemfontein •
Tel (051) 4127 400 • Fax (051) 4127 449 • www.supremecourtsofappeal.gov.za

Enquiries: Mr Myburgh

Date: 25 June 2021 Ref: 38/2019; 47/2019 & 999/2019

REGISTERED MAIL: H/B + U

YOUR REF: CASE NUMBER: 84041/2015, 93088/2015, 99562/2015, 36/2016, 736/2016,
1114/2016, 1429/2016, 3429/2016, 3595/2016, 3595/2016, 16228/2016, 29736/2016,
0302/2016, 1777/2018, 1203/2018 AND 3434/2018

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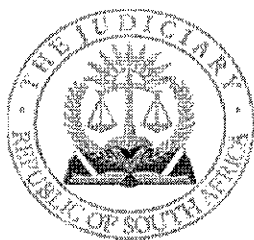
HORN & VAN RENSBURG
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Dear Sir/Madam

**JUDGMENT: THE STANDARD BANK OF SOUTH
AFRICA LIMITED, NEDBANK LIMITED & FIRSTRAND
BANK LIMITED v EZRA MAKIKOLE MPONGO, MYRA
GERALDINE WOODITADPERSAD, RADESH
WOODITADPERSAD, JOYCE HLUPHEKILE
NKWINIKA, KARIN MADIAU SAMANTHA LEMPA,
NEELSIE GOEIEMAN, ANGELINE ROSE GOEIEMAN,
JULIA MAMPURU THOBEJANE, AUBREY
RAMORABANE SONKO, ONESIMUS SOLOMON
MATOME MALATJI & THREE OTHERS (SOUTH
AFRICAN HUMAN RIGHTS COMMISSION & THE
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT AS *AMICI*)**

Attached please find a copy of the court order and judgment.


P. S. W MYBURGH (Mr.)
REGISTRAR



SUPREME COURT OF APPEAL OF SOUTH AFRICA

SCA CASE NO: 38/2019; 47/2019 & 999/2019

**GP CASE: 84041/2015, 93088/2015, 99562/2015, 36/2016, 736/2016, 1114/2016,
1429/2016, 3429/2016, 3595/2016, 3595/2016, 16228/2016, 29736/2016, 0302/2016,
1777/2018, 1203/2018 AND 3434/2018**

On FRIDAY the 25TH JUNE 2021

BEFORE:

THE HONOURABLE MS. JUSTICE MAYA	P
THE HONOURABLE MR. JUSTICE PETSE	DP
THE HONOURABLE MS. JUSTICE DAMBUZA	JA
THE HONOURABLE MR. JUSTICE PLASKET	JA
THE HONOURABLE MR. JUSTICE SUTHERLAND	AJA

In the appeal:

THE STANDARD BANK	1ST APPELLANT
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NEDBANK LIMITED	2ND APPELLANT
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FIRSTRAND BANK LIMITED	3RD APPELLANT
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And

EZRA MAKIKOLE MPONGO	1ST RESPONDENT
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MYRA GERALDINE WOODITADPERSAD	2ND RESPONDENT
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RADESH WOODITADPERSAD	3RD RESPONDENT
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JOYCE HLUPHEKILE NKWINIKA	4TH RESPONDENT
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KARIN MADIAU SAMANTHA LEMPA	5TH RESPONDENT
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NEELSIE GOEIEMAN	6TH RESPONDENT
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ANGELINE ROSE GOEIEMAN	7TH RESPONDENT
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JULIA MAMPURU THOBEJANE	8TH RESPONDENT
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AUBREY RAMORABANE SONKO	9TH RESPONDENT
ONESIMUS SOLOMON MATOME MALATJI	10TH RESPONDENT
MODIEGI PERTUNIA MALATJI	11TH RESPONDENT
GRACE M MAHLANGU	12TH RESPONDENT
KEY HINRICH LANGBEHN	13TH RESPONDENT

And in the matter between:

THE STANDARD BANK	1ST APPELLANT
NEDBANK LIMITED	2ND APPELLANT

And

VW GQIRANNA NO	1ST RESPONDENT
VW GQIRANNA	1ST RESPONDENT

And

THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION	AMICUS CURIAE
THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	AMICUS CURIAE
PRETORIA SOCIETY OF ADVOCATES	AMICUS CURIAE

Having heard counsel on 20 August 2020 on an appeal from the judgment of the Gauteng Division of the High Court of South Africa, Pretoria, delivered on the 26TH September 2018 and having read the record of the proceedings in the said Court (Case number 84041/2015, 93088/2015, 99562/2015, 36/2016, 736/2016, 1114/2016, 1429/2016, 3429/2016, 3595/2016, 3595/2016, 16228/2016, 29736/2016, 0302/2016, 1777/2018, 1203/2018 AND 3434/2018).

**JUDGMENT WAS RESERVED,
THEREAFTER, on this day, the following order is made:**

In case numbers 38/2019 and 47/2019:

On appeal from the Gauteng Division of the High Court, Pretoria (Ledwaba DJP, Tolmay and Mothle JJ sitting as court of first instance):

1 The appeal is upheld, with no order as to costs.

2 The order of the court below is set aside and replaced with the following order:

'It is declared that:

- (1) The High Court must entertain matters within its territorial jurisdiction that fall within the jurisdiction of a Magistrates' Courts, if brought before it, because it has concurrent jurisdiction with the Magistrates' Court.**
- (2) The High Court is obliged to entertain matters that fall within the jurisdiction of a Magistrates' Court because the High Court has concurrent jurisdiction.**
- (3) The main seat of a Division of a High Court is obliged to entertain matters that fall within the jurisdiction of a local seat of that Division because the main seat has concurrent jurisdiction.**
- (4) There is no obligation in law on financial institutions to consider the cost implications and access to justice of financially distressed people when a particular court of competent jurisdiction is chosen in which to institute proceedings.**

3. There is no order as to costs.'

In case number 999/2019:

On appeal from the Eastern Cape Division of the High Court, Grahamstown (Hartle, Lowe and Jolwana JJ sitting as court of first instance):

1 The appeal succeeds, with no order as to costs.

2. The order of the court below is set aside and replaced with the following:

'It is declared that:

- (1) The High Court must entertain matters within its territorial jurisdiction that fall within the jurisdiction of a Magistrates' Courts, if brought before it, because it has concurrent jurisdiction with the Magistrates' Court.**
- (2) The High Court is obliged to entertain matters that fall within the jurisdiction of a Magistrates' Court because the High Court has concurrent jurisdiction.**
- (3) There is no obligation in law on financial institutions to consider the cost implications and access to justice of financially distressed people when a**

particular court of competent jurisdiction is chosen in which to institute proceedings.

3. There is no order as to costs.'

BY ORDER OF THIS COURT

COURT REGISTRAR
PSW MYBURGH (Mr)

