



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: 12 April 2022

Status: Immediate

The following Summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal.

HLB International (South Africa) v MWRK Accountants and Consultants (113/2021) [2022] ZASCA 52 (12 April 2022)

Today the Supreme Court of Appeal (SCA) handed down judgment dismissing, with costs, an appeal against the decision of the Gauteng Division of the High Court, Pretoria, except for setting aside the punitive scale of the costs awarded by the high court and replacing it with an award on the party and party scale.

The primary issue before the SCA concerns the modern day principles applicable to and the interpretation of an order granted by the high court. Having considered the significant developments in the law relating to the interpretation of documents, including judgments or orders, both in this country and in others that follow similar rules to our own, Meyer AJA, writing the unanimous judgment of the court, concluded that the now established test on interpretation of court orders is this: 'The starting point is to determine the manifest purpose of the order. In interpreting a judgment or order, the court's intention is to be ascertained primarily from the language of the judgment or order in accordance with the usual well-known rules relating to the interpretation of documents. As in the case of a document, the judgment or order and the court's reasons for giving it must be read as a whole to ascertain its intention': *Finishing Touch 163 (Pty Ltd v BHP Billiton Energy Coal South Africa Ltd and Others 2013 (2) SA 204 (SCA)* para 13 and endorsed by the Constitutional Court in *Eke v Parsons 2016 (3) SA 37 (CC)* para 29. The SCA added that the manifest purpose of the judgment or order is to be determined by also having regard to the relevant background facts which culminated in it being made.

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