IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2022/1245

In the matter between:

ED FOOD S.R.L. Applicant

and

AFRICA’S BEST (PTY) LIMITED Respondent

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**SUMMARY OF THE JUDGMENT**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**DEN HARTOG AJ**

1. The Respondent challenged the Applicant’s founding and confirmatory affidavit on the basis that the affidavits were commissioned virtually and therefore “not in the presence of” the Commissioner of oaths.

2. The deponents to the affidavits were based in Italy and the Commissioner of Oaths in South Africa.

3. In summary it was found that in light of the comprehensive affidavit submitted by the Commissioner, there was substantial compliance with the Act and Regulations and the mere technicality of the deponent not being in the presence of the Commissioner of Oaths is something that constitutes an unnecessarily technicality, which is a hindrance to the speedy and effectual administration of justice.

A P DEN HARTOG

ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION

JOHANNESBURG

Counsel for the Applicant in the main

application: M H Nieuwoudt

Attorneys for the Applicant Werthschröder inc

Ref: S Pienaar/KSD00022

Counsel for the Respondent in the main

application: A Pillay

Attorneys for the Respondent C&O Incorporated

Ref: CO/ABF4