



**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION PRETORIA)**

Before the Honourable Justice Collis J

On the 31<sup>st</sup> of AUGUST 2021

Number on the Roll: 117

The matter will be heard on MS Teams

**CASE NUMBER: 92647/2019**

In the matter between:

**THE SHERIFF OF GERMISTON NORTH**

Applicant

and

**WOGERCHUN, PRATHANA**

Execution Debtor/Respondent

In re:

**FIRSTRAND BANK LIMITED t/a FNB**

**HOMELOANS (formerly FIRST NATIONAL**

**BANK OF SOUTH AFRICA)**

Plaintiff / Execution Creditor

and

**WOGERCHUN, PRATHANA**

Defendant / Execution Debtor

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be 31 AUGUST 2021

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**DRAFT ORDER**

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**Having heard the counsel as well as read the documents filed of record, it is ordered that:**

1. The sale in execution held on **26 May 2021**, in respect of the property referred to in paragraph 2 below is set aside.
  
2. Subject to prayers 4,5 and 6 below, the applicant is authorised to again sell in execution the immovable property, known as

A unit consisting of –

**Section no 17 as shown and more fully described on Sectional Plan no SS788/1997 in the scheme known as WALLAHOF in respect of the building or buildings situate at HEIDELBERG TOWNSHIP LOCAL AUTHORITY, LESEDI LOCAL MUNICIPALITY of which Section the floor area, Section number 4 as shown and more fully described on Section Plan no SS128/1990, in the scheme known as LIBRARY GARDENS in respect of the land and building or buildings situate at KLOPPER TOWNSHIP in the are of the LOCAL AUTHORITY EKURHULENI METROPOLITAN sectional plan, is 94 (NINETY FOUR) square meters in extent, and the said section in accordance with the participation quota as endorsed on the said sectional plan, held by Deed of Transfer number ST23827/2017, SUBJECT to such conditions as set out in the aforesaid deed (hereinafter referred to as the “property”)**

WITHOUT A RESERVE PRICE

3. The Respondent is advised that, as a result of the order referred to in paragraph 1, the provisions of section 129(3) and (4) of the National Credit Act 34 of 2004 (“the NCA”) apply to the judgment granted in favour of the Judgment Creditor. The First and Second Respondent may prevent the sale of the property referred to in paragraph 2 above if he pays to the Judgment Creditor all of the arrear amount owing by the Respondent to the Judgment Creditor together with all

enforcement costs and default charges, prior to the property being sold in execution.

4. The arrears amount and the enforcement costs referred to in paragraph 3 above may be obtained from the Judgment Creditor. The Respondent is advised that the arrear amount is not the full amount of the Judgment debt, but the owing amount by the Respondent to the Judgment Creditor, without reference to the accelerated amount.
5. Cost of suit on an attorney and client scale;
6. Further and/or alternative relief.

BY ORDER OF THE COURT

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REGISTRAR OF THE HIGH COURT  
PRETORIA

FOR APPLICANT:

ADV A GRANOVA - 082 336 2280