

**APPLICATION FOR RESCISSION OF JUDGMENT IN TERMS OF RULE 31(6)(b)**

IN THE HIGH COURT OF SOUTH AFRICA

(.....DIVISION)

Case No. .... /20.....

In the matter between

.....Applicant

and

.....Respondent

To: The Registrar

**PLEASE TAKE NOTICE** that application will be made to the above Honourable Court on ..... at....., (or before a Judge in Chambers, if so directed) for an order in the following terms:

1. That the judgment granted against the judgment debtor on ..... *(state date of judgment)* be rescinded.
2. Costs if applicable.

**TAKE NOTICE FURTHER** that the affidavit of the applicant, attached hereto, will be used in support of the application.

DATED at .....this .....day of .....20....

Applicant/ Applicant's Attorney

Address of Applicant/Applicant's Attorney

.....

.....

.....

To: The Registrar of the High Court

And To: Respondent/Respondent's Attorney

.....

Address of Respondent/Respondent's Attorney

.....

.....

.....

*(Note: Provide proof of service of the application on the respondent or attorney)*

IN THE HIGH COURT OF SOUTH AFRICA

(.....DIVISION)

Case No. .... /20.....

In the matter between

.....Applicant

and

.....Respondent

---

AFFIDAVIT IN SUPPORT OF APPLICATION FOR RESCISSION OF JUDGMENT

---

1. I the undersigned:

.....

*(State full names and surname)*

Identity/Passport No.

.....

Residing at.....

hereby make oath and state/solemnly affirm:

1.1 I am the applicant in this matter and the judgment debtor in the main case.

OR

1.1 I am the applicant in this matter. The judgment debtor

is..... *(state the name of the judgment*

*debtor)*. I am affected by the judgment granted against the judgment debtor,

for the following reasons:

---

---

---

---

---

---

*(Delete whichever paragraph is not applicable)*

- 1.2 The respondent is the judgment creditor in the main case.
  
- 1.3 The facts deposed to herein are within my personal knowledge and are to the best of my knowledge and belief true and correct.
  
2. This application is made in terms of section 23A(2) of the Superior Courts Act, 2013 (Act No. 10 of 2013), as amended.
  
3. On ..... *(state date)* the above Honourable Court granted default judgment against the judgment debtor, in favour of the respondent for ..... *(State the amount of the judgment, the rate of interest and costs)* Attached hereto marked "Annexure A" is a copy of the court order/report from the Credit Bureaux.
  
4. The judgment debt, interest and costs have been paid. Attached hereto marked "Annexure B" is the proof of payment. *(Attach copy of receipt or other form of proof of payment)*
  
5. The written consent of the respondent has not been obtained for the following

reasons:

---

---

---

---

---

---

---

---

6. I do not ask for costs to be granted against the respondent.

OR

6. The respondent should pay the costs of this application for the following reasons:

---

---

---

---

---

---

---

---

*(Delete whichever paragraph that is not applicable)*

WHEREFORE I pray that the above Honourable Court grants the orders in the Notice of Application.

.....

(Applicant)

Signed and sworn to/solemnly affirmed at .....on this  
.....day of .....after the deponent admitted that  
he/she knows and understands the contents of this affidavit, that he/she has no  
objection in taking the prescribed oath/solemnly affirming the contents of this  
affidavit and that he/she considers the oath/affirmation binding on his/her  
conscience.

.....

**COMMISSIONER OF OATHS**

NAME.....

CAPACITY.....

ADDRESS.....