


REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG

APPEAL CASE NO: A5024/17
CASE NO: 2013/12184

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| (1) | REPORTABLE: YES / NO |
| (2) | OF INTEREST TO OTHER JUDGES: YES / NO |
| (3) | REVISED. |
| <u>24/08/2018</u> DATE | |
|  SIGNATURE | |

In the matter between:

FLI-AFRIKA TRAVEL (PTY) LIMITED

Appellant

and

SOUTH AFRICAN FOOTBALL ASSOCIATION

Respondent

CORAM: CARELSE J, MABESELE J AND MALUNGANA AJ

LEGAL SUMMARY

MABESELE, J:

In this appeal the court had to determine three issues, namely; (i) a proper interpretation of 'full and final settlement agreement'; (ii) whether upon a

proper interpretation of a 'full and final settlement', only obligations for the period after it was entered into were implicated, and (iii) whether the appellant has suffered damages in relation to the expenses he incurred before the settlement.

The court determined the intention of the parties when they concluded the service level agreement. This was done by looking at the language used by the parties in concluding their agreement and the language the parties used in concluding the full and final settlement offer. Further, of importance was the purpose of both agreements.

It was held that final settlement was concluded because it transpired that due to a FIFA policy the respondent could not supply the tickets to the appellant. The final settlement applied only to that specific part of their original agreement, in so far as it released each party to its obligations and responsibilities, and could not be applied to the entire agreement.

The applicant successfully proved that in performance of its obligations in terms of the original agreement it incurred expenses and suffered damages when it could not sell those packages due to the respondent's inability to provide tickets in terms of the agreement. The court agreed and held the respondent liable to all damages suffered by the appellant before the conclusion of the full and final settlement agreement.