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IN THE NATIONAL CONSUMER TRIBUNAL

HELD IN CENTURION

Case Number: **NCT/65442/2016/165(1)(P)NCA**

In the matter between:

MOSATHO MESHACK LEGODI

FIRST APPLICANT

ID NUMBER: [7...]

and

ABSA BANK LTD

FIRST RESPONDENT

AFRICAN BANK LIMITED

SECOND RESPONDENT

DIRECT AXIS (SA) PTY LTD

THIRD RESPONDENT

NEDBANK LIMITED

FOURTH RESPONDENT

OLD MUTUAL FINANCE (PTY) LTD

FIFTH RESPONDENT

RCS GENERAL PURPOSECARD

SIXTH

RESPONDENT

RCS LOAN

SEVENTH RESPONDENT

WESBANK, A DIVISION OF FIRSTRAND BANK LTD

EIGHTH RESPONDENT

Coram:

Ms H Devraj - Presiding member

Adv F Manamela - Member

Ms P Beck - Member

Date of hearing - 14 December 2016

JUDGEMENT AND REASONS

APPLICANTS

1. The Applicant is Mosatho Mashack Legodi, a major male residing in Kempton Park (hereinafter referred to as "the Applicants").

RESPONDENTS

2. The Respondents are ABSA Bank Limited, African Bank Limited, Direct Axis (SA) (Pty) Ltd, Nedbank Limited, Old Mutual Finance (Pty) Ltd, RCS General Purpose Card, RCS Loan, Wesbank a Division of Firstrand Bank Ltd (hereinafter referred to as "the Respondents").

BACKGROUND

3. During June 2016, the Applicant lodged an application (through registered debt counsellor Benay Sager) with the Tribunal in terms of Section 86(8) of the Act to have a debt re-arrangement agreement confirmed as an order of the Tribunal.

4. The debt re-arrangement agreement was confirmed as an order of the Tribunal on 23 September 2016 as per case number NCT/49785/2016/138(1).

5. During October 2016, the Applicant lodged an application with the Tribunal in terms of

Section 165(1) of the Act to have the order granted on 23 September 2016 to be varied.

6. The basis of the Application is that the Applicant omitted to include 2 of the credit providers, namely Direct Axis (SA) (Pty) Ltd and ABSA Bank Limited as part of the debt re-arrangement agreement.

7. On the date of the hearing there was no appearance by the Applicant or the Respondents.

CONSIDERATION OF THE APPLICATION

8. As stated above there was no appearance by the Applicant or any representative on the date of the hearing.

9. Rule 24 of the National Consumer Tribunal Regulations states the following:

"Non appearance

24. *(1) If a party to a matter fails to attend or be represented at any hearing or any proceedings,*

and that party-

(a) is the applicant, the presiding member may dismiss the matter by issuing a written ruling; or

(b) is not the applicant, the presiding member may-

(i) continue with the proceedings in the absence of that party; or

(ii) adjourn the hearing to a later date

(2) The Presiding member must be satisfied that the party had been properly notified of the date, time and venue of the proceedings, before making any decision in terms of

subrule (1)

(3) If a matter is dismissed, the Registrar must send a copy of the ruling to the parties."

10. The notice of set down was sent to all the parties by the Registrar's office via e-mail on 28 November 2016.

11. At the time the matter was called by the Tribunal panel, there was no appearance by any of the parties.

12. The Presiding member of the Tribunal was satisfied that the parties were properly notified of the date, time and venue for the proceedings.

13. The application was then formally dismissed by the Tribunal on record.

ORDER

14. Accordingly, the Tribunal makes the following order:

14.1 The application lodged in terms of Section 165 of the Act is hereby dismissed.

14.2 The Applicant can refile the application.

DATED ON THIS 22nd DAY OF DECEMBER 2016

[signed]

Ms H Devraj Member

Adv F Manamela (Presiding member) and Ms P Beck concurring

Authorised for issue by National Consumer Tribunal

Case Number: NCT/65442/2016/165

Date: 2017/01/04

CCYY/MM/ DD