



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal

Date: 28 March 2011

Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.*

*SLIP KNOT v DU TOIT*

The Supreme Court of Appeal today upheld an appeal by a money lender who had made a loan to a trust which was secured by the three separate deeds of suretyship by the three trustees. The defence raised by the respondent, one of the trustees, was that he had signed the suretyship by mistake and that at the time he signed it he was unaware of its nature. The mistake he relied upon was that he was misled by the other trustees who had failed to inform him that one of the documents he was asked to sign was a

personal suretyship. The Bloemfontein high court upheld the defence of justifiable mistake but the Supreme Court of Appeal found that, because the money lender had not made any misrepresentation to the respondent and was unaware of his mistake, it was entitled to rely on the appearance of contractual liability created by his signature.