

Supreme Court of Appeal of South Africa

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

From: The Registrar, Supreme Court of Appeal

Date: 29 November 2006

Status: Immediate

**MICHAEL RICHMAN v GERSHON BEN-TOVIM**

*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*

The Supreme Court of Appeal today in a judgment delivered by judge Zulman and concurred in by judges Cameron, Brand Maya and acting judge Theron reversed a judgment given in the Cape High Court.

The Cape High Court in a provisional sentence action refused to enforce a default judgment given by an English court against Mr Gershon Ben-Tovim at the instance of Mr Michael Richman, a Cape Town attorney practising in England. Mr Richman's claim was for 57 882.17 English pounds plus interest and costs and was in respect of legal services rendered by Mr Richman and disbursements incurred by him on behalf of Ben-Tovim. Mr Richman appealed against the judgment.

The essential question at issue was whether mere personal service of the English proceedings on Mr Ben-Tovim whilst he was temporarily in England, but not resident or domiciled there, was sufficient to give the

Cape High Court international jurisdiction to recognise and enforce the judgment. Contrary to the finding of the Cape High Court the Supreme Court of Appeal held that personal service of the English proceedings was indeed sufficient. The appeal was accordingly allowed with costs. The judgment of the Cape High court was set aside and provisional sentence granted in favour of Mr Richman against Mr Ben-Tovim for payment of Mr Richman's claim together with interest and costs.