



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: 12 September 2013  
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.*

**SOLENTA v AVIATION**

The Supreme Court of Appeal today dismissed an appeal against a judgment of the North Gauteng High Court in which a special plea of prescription raised by the respondent, Aviation @ Work (Pty) Ltd, against a claim for payment of damages brought against it by the appellant, Solenta Aviation (Pty) Ltd, was upheld. The action was commenced by the service of a combined summons on the respondent that was issued in the name of Solenta Aviation Workshops (Pty) Ltd as creditor of the debt that formed the subject of the claim. The summons was amended after the expiry of the prescriptive period to reflect the appellant as the creditor. The Supreme Court of Appeal held that, objectively considered, the claim originally made in the combined summons was, on a plain reading of the process, not that of the true creditor, which is the appellant, and that service of that process on the respondent did not interrupt the running of prescription in terms of s 15(1) of the Prescription Act 68 of 1969.