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**IN THE NATIONAL CONSUMER TRIBUNAL**

**HELD IN CENTURION**

Case Number: **NCT/67580/2016/165(1)(P)NCA**

In the matter between:

**LIEZEL LOEVE**

FIRST APPLICANT

**ID NUMBER:[6...]**

and

**ABSA BANK LIMITED**

FIRST RESPONDENT

**DIRECT AXIS (SA)(PTY)LTD,ON BEHALF OF**

**FIRSTRAND BANK**

SECOND RESPONDENT

**LIMITED**

**EDCON (PTY) LTD T/A EDGARS**

THIRD RESPONDENT

**FIRST NATIONAL BANK DIVISION OF FIRSTRAND**

**BANK LIMITED**

FOURTH RESPONDENT

**NEDBANK LIMITED**

FIFTH RESPONDENT

**SA HOME LOANS (PTY) LTD**

SIXTH RESPONDENT

**STANDARD BANK OF SOUTH AFRICA LIMITED**

SEVENTH RESPONDENT

**WOOLWORTHS (PTY) 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 Liezel Loeve, a major female residing in Rosehill (hereinafter referred to as "the Applicant").

### **RESPONDENTS**

2. The Respondents are ABSA Bank Limited, Direct Axis (SA) (Pty) Ltd, on behalf of Firstrand Bank Limited, Edcon (Pty) Ltd, First National Bank a Division of Firstrand Bank Limited, Nedbank Limited, SA Home Loans (Pty) Ltd, Standardbank of South Africa Limited, Wesbank, Woolworths (Pty) Ltd (hereinafter referred to as "the Respondents").

### **BACKGROUND**

3. During June 2015, the Applicant lodged an application (through registered debt counsellor Ian Eugene Romer Wason) 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 14 December 2015 as per case number NCT/2820712015/138(1).

5. During October 2016, the Applicants lodged an application with the Tribunal in terms of Section 165(1) of the Act to have the order granted on 14 December 2015 to be varied.

6. The basis of the Application is that the Applicant had initially indicated that the account from the credit provider, The Motor Finance Corporation was paid up. However, this was incorrect and the account for The Motor Finance Corporation should have been included 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 22<sup>nd</sup> DAY OF DECEMBER 2016

[signed]

Ms H Devraj Member

Adv F Manamela (Presiding member) and

Authorised for issue by National Consumer Tribunal

Case Number: NCT/67580/2016/165(1)

Date : 2017/01/04

CCYY / MM / DD