



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF
APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 2 April 2024

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Lead HV (Pty) Ltd and Another v HV Test (Pty) Ltd (1192/2022) [2024] ZASCA 36 (2 April 2024)

Today the Supreme Court of Appeal (SCA) dismissed an appeal against a final interdict granted by the Gauteng High Court (Johannesburg) against the appellant to refrain from using the respondent's confidential information. The appellant and the respondent are both suppliers of goods and services in the medium, high and extra high voltage electrical engineering business and are in direct competition with each other. The appellant employed two former employees of the respondent who were subject to a restraint of trade. After an Anton Piller interdict was obtained confidential information belonging to the respondent was found in the possession of the two employees. The respondent alleged that this information was supplied to the appellant by the employees and was used by the appellant to advance its business to the detriment of the respondent. On 12 August 2021 a final interdict was granted restraining the appellant from utilizing the confidential information of the respondent. The appeal was dismissed on the basis that it cannot be said that the high court misdirected itself on the facts or the law and that no live dispute remains between the parties. The incidents occurred during 2020, whatever harm was done and whatever rights the appellants seek to protect have become academic due to the effluxion of time.

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