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Small Claims Court



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By **MOKGADI SELEBALO**

Topics Dispute Resolution

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How to get your money back

We show you a quick and easy way to resolve financial disputes. The [Small Claims Court](#) (SCC) offers an easy and quick solution to resolving money disputes up to the value of R20 000. The SCC hears cases between two parties without the need for costly and time-consuming lawsuits. You also do not need a lawyer to represent you in the SCC – the process is straightforward and easy to follow. But that does not mean that you should not adequately prepare for your case beforehand.

Steps to follow

Before going to court, make sure that the person you are taking to court has the money to pay the amount you are asking for as there is no benefit in taking someone to the SCC if they do not have the money to pay you or if they possess no property or assets.

1. Request that the person you are having a dispute with settle your claim – do this telephonically or in writing. If you do not receive a response, [send them a letter of demand](#), which contains all of the facts of the case, the reasons for your claim and the amount you want reimbursed. If your claim has not been settled in 14 days, go to the Clerk of the Small Claims Court with:

- The letter of demand
- Any contract or agreement which proves the claim
- Proof that the letter of demand was given to the said person
- The person's name and contact details

2. A [summons](#) is either sent to the opposing party or given to you to give to them.

3. When you appear at court on the day of the hearing, you must take proof that the person received the summons. The court process is informal and easy to follow. You will be asked to tell your side of the story as well as answer questions from the [Commissioner](#) of the SCC.

4. If the judge rules in your favour, the other party will need to pay what is owed to you. There is a ten day grace period to do so. If the party fails to comply, the court will then investigate his/her financial situation and determine a payment plan. If he/she again fails to comply, the matter will be turned over to the Magistrate's Court.

Matters to take to a Small Claims Court:

- Repayment of money that you can prove is owed to you.
- Claiming for a transaction that remains unpaid, e.g. goods purchased – the goods cannot be over the value of R20 000.
- Claiming for damages from a [car accident](#) – you must prove that the other driver was at fault.
- If you own a business that lends out money but an individual is not honouring his/her [credit agreement](#).

Claims that are not dealt with by the Small Claims Court:

- Higher than R20 000.
- Any claim made against the municipality or the state.
- Claims based on the transfer of rights or based on cession.

- Claims for damages, defamation, malicious prosecution, wrongful imprisonment, [wrongful arrest](#) or [breach of promise to marry](#).
- Claims for the dissolution of a marriage.
- [Any claims concerning a Will](#).
- Claims concerning the status of a person's mental capacity.
- The Small Claims Court is a faster and easier way to resolve monetary disputes and the recommended route for disputes up to the value of R20 000.

With Legal&Tax you're not alone

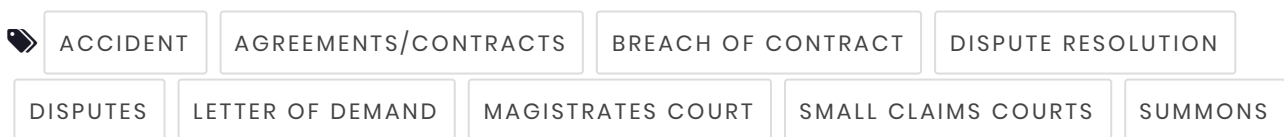
Your Legal&Tax lawyer can assist you with sending a letter of demand to someone that owes you money in order to retrieve the money owed to you. We will also advise you on the best action to settle your dispute at the Small Claims Court. Contact us for more information.

- [Email](#)
- [WhatsApp – Just type 'Hi' to start chatting](#)

See also:

- [Monetary jurisdiction of Small Claims Courts set to increase](#)
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[Mokgadi Selebalo](#)

Mokgadi Selebalo is a qualified Debt Counsellor at Legal&Tax Services, with over five years' experience. Mokgadi's daily duties include giving advice and assistance regarding debt review and other debt related... [Read more about Mokgadi Selebalo](#)

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