

Eugene Bester

Director



Eugene Bester is a Director in our Dispute Resolution practice with experience in general commercial litigation. Eugene specialises in banking litigation and has extensive experience in High Court litigation, mediation and arbitration with an emphasis on banking, property finance related disputes, tender reviews and general contractual claims.

About Eugene

Credentials

Education

- BCom LLB, University of Johannesburg
- Year of admission as an attorney: 1995

Experience

- Has represented the Banking Industry in a precedent setting judgement dealing with the constitutionality of s118 of the Municipal Systems Act
- Advises a listed REIT in relation to numerous property related disputes
- Advises a leading credit provider on numerous disputes dealing with the National Credit Act and the Financial Intelligence Centre Act
- Advises a large established and reputable manufacturer and supplier of auto spare parts and accessories for rail and commercial vehicles.
- Has represented various clients at the Zondo and Nugent Commissions of Enquiry.

News

Contact Eugene

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[Eugene on LinkedIn](#)

Expertise

[Dispute Resolution](#)

[Corporate Debt, Turnaround & Restructuring](#)

[Insurance Law](#)

Location

[Johannesburg](#)

Language

[English](#)

The dispute resolution process explained

Civil disputes are an inevitable part of everyday life, affecting not only individuals, but businesses and communities as a whole. An understanding of how to resolve these disputes efficiently and effectively is therefore not only beneficial to the parties involved, but crucial to prevent unnecessary escalations of matters and to save the parties money, time and resources. In this article, we explore the dispute resolution process as it exists within the South African landscape as well as the key mechanisms available for resolving disputes.

The effect of the accessory principle on prescription, res judicata, and estoppel

In the matter of Estelle Le Roux and Another v Dielemaar Holdings (Cape) Pty Ltd and Another (414/2023) ZASCA 118, three lease agreements were concluded between a close corporation as the principal debtor and the respondents (creditors), with the applicants as sureties and co-principal debtors. The principal debtor fell in arrears in the amount of R1,035,406.63 in respect of the three leases.

Appealability of a High Court order

In the recent case of MEC for Economic Development, Gauteng and Another v Sibongile Vilakazi and Others (783/2023) ZASCA 126, the issue of appealability of a High Court order was debated.

Commissioning affidavits virtually: Yay or nay?

The COVID-19 pandemic was an unprecedented event that required big shifts in how businesses operate, and the legal industry was no different. Court hearings on MS Teams and filing papers on Caselines meant that many of the administrative hurdles of practice could be overcome. One issue that remained, however, was the commissioning of affidavits.

Resisting an enrichment claim on the basis of non-enrichment

In the recent case of Wamjay Holdings Investments (Pty) Ltd v Auckland Park Theological Seminary (2022/9895) ZAGPJHC 1098; 1 All SA 298 (GJ); 2024 (3) SA 614 (GJ) (2 October 2023), the requirement that a plaintiff must prove that a defendant must have been enriched to succeed with a claim for unjustified enrichment was debated.

Podcasts

"Is it possible that in 2018 your debts may be written off?"

"Is it possible that in 2018 your debts may be written off?" Dispute Resolution practice Director, Eugene Bester joined Michael J Avery on Classic Business to discuss this further.

[All news by Eugene Bester →](#)

Recognition

- The Legal 500 EMEA 2015-2021 recommended Eugene Bester for dispute resolution.