

IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

CASE NO: 24924/2016

ON 4 MARCH 2019 BEFORE THE HONOURABLE MADAME JUSTICE KUBUSHI

In the matter between:

GAVIN WAYNE AMOS N.O
JACO VAN JAARSVELD N.O
and

First Applicant
Second Applicant

CATHERINE SANDRA AMOS (born OWEN)
LIEBENBERG DAWID RYK VAN DER MERWE N.O
JOHANNA WILLEMIA YZEL N.O

First Respondent
Second Respondent
Third Respondent

PORTION 137 HARTEBEEFONTEIN (PTY) LTD
(IN LIQUIDATION)

Fourth Respondent

MASTER OF THE HIGH COURT (PRETORIA)

Fifth Respondent

COMPANIES & INTELLECTUAL PROPERTY
COMMISSION

Sixth Respondent

DRAFT ORDER

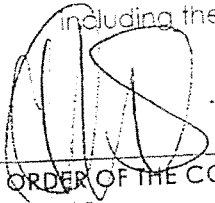
Having heard the parties and having read the documents filed of record, the court grants an order in the following terms:

1. It is declared that as at 18 August 2015 and at all times since 1 March 2007, the owner of all of the issued share capital in the fourth respondent, consisting of 10 ordinary shares, is the MOHALE TRUST (IT774/99).

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2. It is declared that the first respondent had no authority or entitlement on behalf of the MOHALE TRUST to apply for the voluntary winding up of the fourth respondent on 18 August 2015 or at any other time subsequent to 1 March 2007.
3. The purported special resolution for the voluntary winding up of the fourth respondent on 18 August 2015 is declared null and void.
4. The winding up of the fourth respondent is, pursuant to the provisions of Section 354 of the Old Companies Act 61 of 1973, is hereby set aside.
5. The first respondent shall forthwith resign as a director of the fourth respondent.
6. The first respondent shall forthwith resign as a trustee of the Mohale Trust.
7. The first respondent is ordered to pay the applicants' costs of the application and the hearing of oral evidence on the scale as between attorney and client,

including the costs of Senior Counsel where so employed.


BY ORDER OF THE COURT
REGISTRAR

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2015-08-19

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