

**IN DIE HOë HOF VAN SUID-AFRIKA**

**WES-KAAP HOë HOF**

-----  
**KAAPSTAD: DINSDAG die 26ste dag van Januarie 2010**  
-----

**DERDE AFDELING: HOF NO. 16 OM 10h00 V.M.**

**VOOR SY EDELE WAARNEMENDE REGTER SCHIPPERS**

**BEVELE NISI (RULES NISI)**

- |    |   |          |
|----|---|----------|
| 1  | Mystery Cruise Investments CC vs N A Banderker & 1 ander -<br>Sekwestrasie (Sequestration)  | 22572/09 |
| 2  | V J Appollis vs E C Martins – Sekwestrasie (Sequestration)  | 313/09   |
| 3  | H B O Jones vs J P Roux & 1 ander – Sekwestrasie (Sequestration)  | 23888/09 |
| 4  | E Ralph vs W H Murray & 1 ander – Sekwestrasie (Sequestration)  | 21760/09 |
| 5  | L vs J L King – Sekwestrasie (Sequestration)<br>23143/09  |          |
| 6  | Facts and Figures Business and Consultancy Services BK t/a Facts & Figures<br>vs P Barkley & 1 ander – Sekwestrasie (Sequestration) | 23894/09 |
| 7  | Gauteng Trust & Investments Co (Pty) Ltd & 2 ander vs C T Terblanche<br>& 1 ander – Sekwestrasie (Sequestration)                    | 23096/09 |
| 8  | Gbayprops BK – Vrywillige Likwidasië (Voluntary Liquidation)  | 25205/09 |
| 9  | Southern Air Wholesale and Importing BK – Vrywillige Likwidasië<br>(Voluntary Liquidation)  | 25503/09 |
| 10 | Cavalier Homes CC – Vrywillige Likwidasië (Voluntary Liquidation)   | 25809/09 |
| 11 | Lucas Dysel Crouse Inc vs MDC Lynx Holdings (Pty) Ltd - Likwidasië<br>(Liquidation)   | 22688/09 |
| 12 | Formatix (Pty) Ltd vs Kroonsig Beleggings 119 (Pty) Ltd – Likwidasië<br>(Liquidation)   | 21101/09 |

- |    |  |          |
|----|--|----------|
| 13 | J L Grundling inre Falck Ing vs Sunair Holdings limited - Likwidasië (Liquidation)                                 | 11262/09 |
| 14 | J A Bagg vs Aqua D'Or Mineral Water (Pty) Ltd – Likwidasië (Liquidation)   | 23331/09 |
| 15 | World Focus 259 CC t/a KD Projects vs Evening Star Trading 33 (Pty) Ltd - Likwidasië (Liquidation)                 | 16759/09 |
| 16 | Comcilvils Plant Hire CC vs Onyx Electrical Contracting CC - Likwidasië (Liquidation)                              | 22184/09 |
| 17 | TGB Enterprises (Pty) Ltd vs Finishing Touch Trading 242 (Pty) Ltd - Likwidasië (Liquidation)                      | 23057/09 |
| 18 | G W Tiltman vs Francois Restaurant CC – Likwidasië (Liquidation)   | 26808/09 |
| 19 | JF Hillerbrand (South Africa) (Pty) Ltd vs Morton Mews 128 CC t/a Mc Beth On Whisky – Likwidasië (Liquidation)     | 25319/09 |
| 20 | Megafreight Services (Pty) Ltd vs The Business Zone 670 CC - Likwidasië (Liquidation)                              | 24140/09 |
| 21 | J H Van Staden N.O. & 1 ander vs Bluechip Masterbuilders (Pty) Ltd - Likwidasië (Liquidation)                      | 22461/09 |
| 22 | Brights Electrical CC & 1 ander vs Allcall Africa Plumbing and Electrical (Pty) Ltd – Likwidasië (Liquidation)     | 24746/09 |
| 23 | Business Partners Limited vs Yellow Star Trading 1009 (Pty) Ltd - Likwidasië (Liquidation)                         | 3500/09  |
| 24 | J J Bezuidenhout vs Birdair Longspan LLC – Beslaglegging (Attachment)  | 2693/09  |
| 25 | Capeprop Estates (Pty) Ltd t/a Lew Geffen Sothebys International Realty vs A S Lemmer – Beslaglegging (Attachment) | 21132/09 |
| 26 | S V Bezuidenhout & 1 ander vs A L Van der Merwe & 1 ander - Toesig (Custody)                                       | 3830/09  |

- 27 Business Venture Investments 1171 (Pty) Ltd & 4 ander vs J Mfecane & 3  
ander – Interdik (Interdict) 23675/09
- 28 ECL Environmental Cleansing CC vs Environmental Cleansing SA  
(Pty) Ltd & 1 ander – Interdik (Interdict) 26413/09

VERSTEK VONNISSE (DEFAULT JUDGMENTS)

- 29 Jemella Group Limited vs Shaheen's Barber – Goedere Verkoop (Goods Sold)  
10942/09
- 30 SB Guarantee Company (Pty) Limited vs M P Gevane & 2 ander -  
Verband (Bond) 13985/09
- 31 The Standard Bank of South Africa Limited vs J A S Malherbe -  
Verband (Bond) 22681/09
- 32 Standard Bank of South Africa Ltd vs R L Mngadi – Verband (Bond) 23545/09
- 33 Standard Bank of South Africa Limited vs N Norval & 1 ander -  
Verband (Bond) 23282/09
- 34 Standard Bank of SA Ltd vs W Williams & 1 ander – Geld Verskuldig  
(Monies Owing) 11911/09
- 35 Standard Bank of SA Ltd vs T P Ntozini & 1 ander - Verbandakte  
(Mortgage Bond) 15202/09
- 36 Standard Bank of SA Ltd vs J H W Louw & 1 ander – Verband (Bond)  
19097/09
- 37 Standard Bank of SA Ltd vs A Baartman – Verband (Bond) 19351/09

SUMMIERE VONNISSE (SUMMARY JUDGMENTS)

- 38 Absa Bank Limited vs J W Els N.O. & 5 ander – Ooreenkoms (Agreement)  
24031/09
- 39 Absa Bank Ltd vs Bailey and Du Toit Liquors CC t/a The Scotsman -  
Notariële Verband (Notarial Bond) 23681/09
- 40 Absa Bank Ltd vs Silverstone Trading 15 (Pty) Ltd & 5 ander -

Verband (Bond)  
21232/09

- 41 Absa Bank Ltd vs H Van der Wath & 2 ander – Verband (Bond)  
22925/09
- 42 P I Bernicchi vs C S Blacher – Geld Verskuldig (Monies Owing) 23514/09
- 43 Changing Tides 17 (Pty) Ltd N.O. vs W G Van Dyk N.O. & 1 ander -  
Verband (Bond) 22944/09
- 44 Firstrand Bank Ltd t/a Wesbank vs F G Coetzee – Ooreenkoms (Agreement)  
23807/09
- 45 Firstrand Bank Ltd t/a Wesbank vs F G Coetzee – Ooreenkoms (Agreement)  
23808/09
- 46 Firstrand Bank Ltd t/a Wesbank vs F G Coetzee - Verbandakte  
(Mortgage Bond) 23762/09
- 47 Firstrand Bank Ltd vs Present Perfect Investments 337 (Pty) Ltd & 3 others -  
Ooreenkoms (Agreement) 24434/09
- 48 Indawo (Cape) (Pty) Ltd vs Lagoon Beach Body Corporate -  
Geld Verskuldig (Monies Owing) 23053/09
- 49 W Lan vs M P K Dittrich – Geld Verskuldig (Monies Owing) 7449/07
- 50 Megadrive Automation CC vs RCG Engineering Services CC -  
Ooreenkoms (Agreement) 24552/09
- 51 National Dairy Equipment (Pty) Ltd vs Arrow Stainless Fabrications CC  
& 1 ander – Ooreenkoms (Agreement)  
18174/09
- 52 Natural Stone Warehouse (Pty) Ltd vs Incidental Investments CC & 2 ander -  
21669/09
- 53 Nedbank Limited vs S Samsodien – Verband (Bond) 23416/09
- 54 Nedbank Ltd vs T M Solomons & 1 ander – Verband (Bond) 24034/09

55	Nedbank Ltd vs Aregee Investments No. 74 (Pty) Ltd & 1 ander - Ooreenkoms (Agreement)	26157/09
56	Nedbank Limited vs O C Meyer & 1 ander – Verband (Bond)	24913/09
57	Nedbank Ltd vs C D Kayser & 1 ander – Leningsooreenkoms (Loan Agreement)	15010/09
58	Nedbank Ltd vs Quickstep 226 (Edms) Bpk – Verband (Bond)	23400/09
59	Standard Bank of SA Ltd vs Early Moon Trading 336 CC & 2 ander - Verband (Bond)	21900/09
60	Standard Bank of SA Ltd vs Castle Hill Trading 287 CC & 2 ander - Verband (Bond)	2129/09
61	Standard Bank of SA Ltd vs R J Koopman - Verband (Bond)	25186/09
62	Standard Bank of SA Ltd vs G W Day & 1 ander – Verband (Bond)	22945/09
63	Standard Bank of SA Ltd vs A Suliman – Verband (Bond)	18818/09
64	Standard Bank of SA Ltd vs N Pillay & 1 ander – Verband (Bond)	19129/09
65	Standard Bank of SA Ltd vs K Smith – Verband (Bond)	20603/09
66	Standard Bank of SA Ltd vs Chinwah Properties CC & 1 ander - Verband (Bond)	24635/09
67	Standard Bank of SA Ltd vs E M Mason – Verband (Bond)	24627A/09
68	Standard Bank of SA Ltd vs Signal Street Properties CC & 2 ander - Verband (Bond)	25052/09
69	Standard Bank of SA Ltd vs M S Ebrahim & 1 ander – Verband (Bond)	24637/09
70	Standard Bank of SA Ltd vs N E Mboso – Verband (Bond)	23273/09
71	Standard Bank of SA Ltd vs M A Raynard & 1 ander – Verband (Bond)	21594/09

72	Standard Bank of SA Ltd vs Trustees for the time being of Kairos Investment Trust – Verband (Bond)	23270/09
73	Standard Bank of SA Ltd vs S J Raats – Geld Verskuldig (Monies Owing)	23923/09
74	Tiplite Properties (Pty) Ltd vs Stalph 224 CC t/a Go Bananas - Ooreenkoms (Agreement)	25591/09
75	Standard Bank of SA Ltd vs M S Ebrahim & 1 ander - Verband (Bond)	24637A/09
76	N W Engelbrecht vs Farm 222 Haasendal (Pty) Ltd – Geld Verskuldig (Monies Owing)	24897/09

#### AANSOEKE (APPLICATIONS)

77	N Evans vs P Smith & 1 ander – Sekwestrasie (Sequestration)	24832/09
78	I P Du Plessis vs D G Barnes & 1 ander – Sekwestrasie (Sequestration)	787/10
79	P J Van Wyk vs P J Van Wyk N.O. – Sekwestrasie (Sequestration)	20860/08
80	Sheinra Investments (Pty) Ltd vs Meyner & Van Zyl (Pty) Ltd t/a Tradebinders – Likwidasie (Liquidation)	849/10
81	Nedbank Ltd vs Purple Rain Properties No. 171 (Pty) Ltd - Likwidasie (Liquidation)	272/10
82	Absa Bank Ltd vs Cosmic Gold Trading 19 (Pty) Ltd – Likwidasie (Liquidation)	26337/09
83	Cummins South Africa (Pty) Ltd vs West Coast Motor Rewinders CC - Likwidasie (Liquidation)	26864/09
84	Cummins South Africa (Pty) Ltd vs Anwar Vlotman t/a Anwar's Transport Sole Proprietary – Likwidasie (Liquidation)	26863/09
85	Slip Knot Investments 777 (Pty) Ltd vs Winskor 139 (Pty) Ltd - Likwidasie (Liquidation)	26257/09

86	Nedbank Ltd vs Erf 66763 Wynberg (Pty) Ltd – Likwidasië (Liquidation)	271/10
87	Nedbank Ltd vs Up-Front Investments 99 (Pty) Ltd - Likwidasië (Liquidation)	270/10
88	C L Berman vs G L Wright Financial Services (Pty) Ltd - Likwidasië (Liquidation)	25202/09
89	Capital Acceptances Ltd vs Stardex Trading CC – Likwidasië (Liquidation)	25970/09
90	C L Berman vs Cosmic Gold Trading 19 (Pty) Ltd - Likwidasië (Liquidation)	25201/09
91	Absa Bank Ltd vs Trade Avail 248 CC – Likwidasië (Liquidation)	25995/09
92	Absa Bank Ltd vs Proud Heritage Properties 146 (Pty) Ltd - Likwidasië (Liquidation)	26336/09
93	Merchant Commercial Finance (Pty) Ltd vs Crown Paper Products CC - Likwidasië (Liquidation)	621/10
94	Absa Bank Ltd vs GR and RJ Properties (Pty) Ltd – Likwidasië (Liquidation)	25254/09
95	Absa Bank Ltd vs Erf 25531 Observatory CC – Likwidasië (Liquidation)	25994/09
96	Edgepro (Pty) Ltd vs Cabinet and Component Supplies (Pty) Ltd - Likwidasië (Liquidation)	26304/09
97	Rodel Financial Services (Edms) Beperk vs Matthis & Van Tonder Ing - Likwidasië (Liquidation)	3599/09
98	Absa Bank Ltd vs XCD Props (Pty) Ltd – Likwidasië (Liquidation)	25253/09
99	R J Kellond vs On Track Design BK – Likwidasië (Liquidation)	707/10
100	A D Yates vs F J M Yates – Wysiging van Hofbevel (Variation of Court Order)	

15270/98

101	P R Cunliffe – Rehabilitasie (Rehabilitation)	26267/09
102	J P O'Reilly & 1 ander vs ECL Environmental Cleansing CC - Likwidasie (Liquidation)	26389/09
103	A Fourie – Kurator Bonis (Curator Bonis)	18465/09
104	L Korte inre L J Korte – Kurator Bonis (Curator Bonis)	11412/08
105	P M Schuurmans-Stekhoven – Kurator Bonis (Curator Bonis)	24326/09
106	M Samuels – Kurator Bonis (Curator Bonis)	1980/07
107	National Director of Public Prosecutions vs M Galant & 1 ander - Geld Verskuldig (Monies Owing)	824/10
108	National Director of Public Prosecutions vs S Kogo – Geld Verskuldig (Monies Owing)	825/10
109	C B De Jongh vs S M De Jongh – Hersiening (Review)	14888/07
110	Meridian Bay Restaurant vs D B Bornman N.O. – Hersiening (Review)	25356/09
111	B A Jolliffe vs Master of the High Court & 8 ander – Verklarende Bevel (Declaratory Order)	26420/09
112	E V Arendse & 1 ander – Registrasie van eiendom (Registration of property)	1065/10
113	C F Bester N.O. & 2 ander vs Master of the High Court, Western Cape & 1 ander – Verlof om te verkoop (Leave to sell)	766/10
114	BMW Financial Services (SA) (Pty) Ltd vs A N Levy - Teruggawe Van motor (Return of vehicle)	26401/09
115	E S Cloete vs A W J Maritz & 1 ander – Beslaglegging (Attachment)	452/10
116	S L M De Jongh vs C B De Jongh – Geld Verskuldig (Monies Owing)	1256/10



- 117 B A Shurrie N.O. & 1 ander vs F J Vollmer - Geld Verskuldig (Monies Owing) 25358/09
- 118 Slip Knot Investments 777 (Pty) Ltd vs Twopointfice (Pty) Ltd & 2 ander - Uitspraak (Judgment) 26349/09
- 119 Business Partners Ltd vs World Focus 259 CC – Ooreenkoms (Agreement) 613/10
- 120 J A Kitching – Verwydering van rol van prokureurs (Removal from Roll of attorneys) 1252/10
- 121 Morné Properties CC vs L Frank t/a Leon Frank & Partners & 3 ander - (Removal of bar) 16154/07
- 122 A Hendricks vs V Valentine & 6 ander – Tersydestelling van hofbevel (Setting aside of court order) 16603/09
- 123 Nedbank Ltd vs V-L Matana & 1 ander – Opheffing van uitspraak (Rescission of judgment) 12536/07
- 124 A R Newton N.O. vs Ocean Tide Investments 146 CC - Tersydestelling Van bevel (Setting aside of order) 10872/06
- 125 M A Sambo & 1 ander vs Absa Bank Limited & 4 ander - Tersydestelling van lasbrief tot eksekusie (Setting aside of warrant of execution) 16943/09
- 126 N J Uys vs A E Uys - 22059/09
- 127 W S Houghton vs G C Russell – Toegang en toesig (Access and custody) 740/10
- 128 M Davidson vs D Moore – Toegang (Access) 1206/10
- 129 J J Loots vs M McLachlan – Toesig (Custody) 26627/09
- 130 Schecker GMBH vs Forpet CC & 3 ander – Blootlegging (Discovery) 10723/08
- 131 V A Kruger vs F C Kruger – Blootlegging (Discovery) 20683/08

- 132 Absa Bank Ltd vs Ethos Trading 7 CC t/a Expose – Likwidasie (Liquidation)  
14193/08
- 133 Absa Bank Ltd & 9 ander vs Charles Potgieter Investments (Pty) Ltd -  
Interdik (Interdict) 26275/09
- 134 G S Taylor vs C P Taylor – Verklarende Bevel (Declaratory Order) 6970/08
- 135 KR Southey & 1 ander – Verklarende Bevel (Declaratory Order) 968/10
- 136 G C Long vs Reigate Development Projects (Pty) Ltd & 1 ander -  
Verklarende Bevel (Declaratory Order) 26109/09
- 137 Mindmatter (Pty) Ltd vs Electronic Patient Records (Pty) Ltd -  
Verklarende Bevel (Declaratory Order) 22996/09

EGSKEIDINGS (DIVORCES)

- 138 B E Pienaar vs J De Villiers 23601/09
- 139 S Abrahams vs D J Saul 17424/09
- 140 A vs R Brand 23866B/09
- 141 D vs K L Da Luz 23867/09
- 142 C M vs A Groenewald 258/10
- 143 G F vs N C Heine 25987/09
- 144 N vs L Tamlin 26865/09

REëLS 43 (RULES 43)

- 145 M vs G T Hagan 19957/08
- 146 H R vs J R Kriel 22218/09
- 147 B vs G Scott-Brown 17049/09