

**IN DIE HOë HOF VAN SUID-AFRIKA**

**WES-KAAP HOë HOF**

-----  
**KAAPSTAD: DINSDAG die 2de dag van Februarie 2010**  
-----

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

**VOOR SY EDELE WAARNEMENDE REGTER THRING**

**BEVELE NISI (RULES NISI)**

- |    |  |          |
|----|--|----------|
| 1  | Gauteng Trust & Investments Co (Pty) Ltd & 2 ander vs<br>C T Terblanche & 1 ander – Sekwestrasie (Sequestration) | 23096/09 |
| 2  | Mystery Cruise Investments CC vs N A Banderker & 1 ander -<br>Sekwestrasie (Sequestration)                       | 22572/09 |
| 2A | M Coulsen vs J Petersen & 1 ander – Sekwestrasie (Sequestration)   | 25227/09 |
| 3  | Comcivils Plant Hire CC vs Onyx Electrical Contracting CC -<br>Likwidasie (Liquidation)                          | 22184/09 |
| 4  | Genflex (Pty) Ltd vs MCE Engineering CC – Likwidasie (Liquidation)<br>25872/09                                   |          |
| 5  | Genflex (Pty) Ltd vs Storm Hydraulics CC - Likwidasie (Liquidation)  | 25874/09 |
| 6  | Genflex (Pty) Ltd vs 24-7 Hydraulics CC – Likwidasie (Liquidation)   | 25873/09 |
| 7  | Swartland Winery Beperk vs Vecto Trade 379 (Edms) Beperk -<br>Likwidasie (Liquidation)                           | 25653/09 |
| 8  | Business Partners Ltd vs Mossie Nes Gastehuis CC - Besitneming<br>(Possession)                                   | 26364/09 |
| 9  | Sunsurf Properties CC – Verwydering van titelakte (Removal of<br>Title Deed)                                     | 22575/09 |
| 10 | Günpen Hirdavat Ticaret Limited vs Global Pact Trading 306 (Pty) Ltd<br>– Geld Verskuldig (Monies Owing)         | 22654/09 |
| 11 | D Simoleit N.O. vs A R Appelgryn & 7 ander -   | 24579/09 |

12 D Steenkamp & 1 ander vs Knysna Local Municipality & 1 ander - Mandamus 24824/09

VERSTEK VONNISSE (DEFAULTM JUDGMENTS)

13 Firstrand Bank Limited vs I Harris & 1 ander – Verband (Bond) 1960/09

14 Firstrand Bank Limited vs B E Louw – Verband (Bond) 19701/08

15 Firstrand Bank Ltd vs Classic Groove 10 CC & 1 ander - Verband (Bond) 17836/08

16 Standard Bank of South Africa Ltd vs D Mashiyane & 1 ander - Verband (Bond) 24052/09

17 Standard Bank of SA Ltd vs N J P Oakes & 1 ander - Verband (Bond) 22683/09

18 Standard Bank of SA Ltd vs Midnight Masquerade Properties 179 (Pty) Ltd – Verband (Bond) 22506/09

19 Standard Bank of SA Ltd vs Trustees for the time being of Wessel Pretorius Family Trust & 6 ander – Verband (Bond) 22216/09

20 Standard Bank of SA Ltd vs L E C Ubisse & 1 ander - Verband (Bond) 21624/09

21 Standard Bank of SA Ltd vs L E J Wernich – Verband (Bond) 20232/09

22 Standard Bank of SA Ltd vs M L Appollis & 1 ander - Verbandakte (Mortgage Bond) 15613/09

23 Standard Bank of SA Ltd vs K McKenzie & 1 ander - Geld Verskuldig (Monies Owing) 11905/09

24 Standard Bank of SA Ltd vs Expidor 124 CC – Verband (Bond) 10295/09

25 Imperial McCarthy (Pty) Ltd t/a Schus Nissan Parow vs Auto Armor Safety Film (Pty) Ltd – Geld Verskuldig (Monies Owing) 13048/08

26 Standard Bank of SA Ltd vs Ditabeng Properties (Pty) Ltd – Geld Verskuldig

(Monies Owing)  
12692B/09

26A Firststrand Bank Ltd vs L S Rodrigues & 1 ander – Verbandakte  
(Mortgage Bond) 13447/09

SUMMIERE VONNISSE (SUMMARY JUDGMENTS)

27 Absa Bank Ltd vs C S Janse van Rensburg – Verband (Bond) 22586/09

28 Absa Bank Limited vs Crown Hill Properties 285 CC & 3 ander -  
Verband (Bond) 23338/09

29 Absa Bank Ltd vs Trustees for the time being of the Coe Family Trust  
& 2 ander – Verband (Bond) 24190/09

30 Absa Bank Ltd vs D A Coetzee & 1 ander – Verband (Bond) 24186/09

31 BMW Financial Services (SA) (Pty) Ltd t/a Alphera Financial Services  
vs W S Inina – Ooreenkoms (Agreement) 25892/09

32 BMW Financial Services (SA) (Pty) Ltd vs W S Inina - Kansellasië  
Van ooreenkoms (Cancellation of agreement) 23357/09

33 BMW Financial Services (SA) (Pty) Ltd vs W S Inina t/a Cape  
Luxury Cars – Kansellasië van ooreenkoms (Cancellation of agreement) 23358/09

34 Firststrand Bank Ltd vs Trustees for the time being of Sovereign Investments  
Trust & 2 ander - 20667/09

35 First Rand Bank Limited t/a RMB Private Bank vs S J Engelbrecht  
& 1 ander – Ooreenkoms (Agreement)  
26172/09

36 Government Employees Pension Fund vs N Murudker t/a Ocean Basket  
& 1 ander – Interdik (Interdict) 24174/09

37 Icatplan CC t/a IC@Plan Town Planners vs Moxba Property Investments  
(Pty) Ltd – Dienste Gelewer (Services Rendered) 25625/09

38 J D Kotze vs Claremart Auctioneers (Pty) Ltd – Ooreenkoms (Agreement)  
24726/09

39	Nitro Securitisation 1 (Pty) Ltd vs W V Abrahams - Skadevergoeding (Damages)	20767/09
40	Cirdec Blackheath CC & 1 ander vs Cranes Crest Investments 18 (Pty) Ltd & 3 ander – Geld Verskuldig (Monies Owing)	22159/09
41	Standard Bank of SA Ltd vs P J Venter & 1 ander – Verband (Bond)	24325/09
42	Standard Bank of SA Ltd vs T O Nkqayi – Verband (Bond)	19345/09
43	Standard Bank of SA Ltd vs Skylo Properties 58 CC & 1 ander - Verband (Mortgage Bond)	21628/09
44	P Whitehead vs C De Kock – Geld Verskuldig (Monies Owing)	24471/09

#### AANSOEKE (APPLICATIONS)

45	R J Lewis vs M P Brummer – Sekwestrasie (Sequestration)	25603/09
46	Mr CC and Company (Pty) Ltd vs M Hoffman – Sekwestrasie (Sequestration)	1289/10
47	E R Adam vs Sea Cape Marine (Pty) Ltd – Likwidasie (Liquidation)	26356/09
48	A R Appelgryn & 2 ander vs D Simoleit & 5 ander – Likwidasie (Liquidation)	1680/10
49	Firststrand Bank Ltd vs Ott Outsourcing International CC - Likwidasie (Liquidation)	283/10
50	Labour Group (Pty) Ltd vs Kaydav Industries (Pty) Ltd & 1 ander - Likwidasie (Liquidation)	23896/09
51	Multinail Africa (Pty) Ltd vs Trusses 4 U CC – Likwidasie (Liquidation)	1507/10
52	Nedbank Limited vs Up-Front Investments 99 (Pty) Limited - Likwidasie (Liquidation)	270/10
53	Nedbank Ltd vs Erf 66763 Wynberg (Pty) Ltd – Likwidasie (Liquidation)	271/10

54	Nedbank Ltd vbs Purple Rain Properties No. 171 (Pty) Ltd - Likwidasie (Liquidation)	272/10
55	Standard Bank of SA Ltd vs Blue Skye Development Company (Pty) Ltd - Likwidasie (Liquidation)	1096/10
56	Standard Bank of SA Ltd vs Dangene Property Developers (Pty) Ltd - Likwidasie (Liquidation)	1087/10
57	Com Cap Commerciale Managing Consulting GmbH inre Com Cap Commerciale Managing Consulting GmbH vs S S MNarschelke – Wysiging van Hofbevel (Amendment of Court Order)	14/06
58	T N Nkanyuza vs The National Sub-Structure of Ikapa & 2 ander - Verklarende Bevel (Declaratory Order)	624/96
59	M V Gal – Kurator ad Litem (Curator ad Litem)	898/10
60	C R Summers – Kurator ad Litem (Curator ad Litem)	1920/10
61	A Williams – Kurator ad Litem (Curator ad Litem)	1931/10
62	S & F Holding Company (Pty) Ltd & 1 ander vs Amberboom (Pty) Ltd & 26 ander – Section 252(3)	26235/09
63	HNW Duske Dritte Grundstucks Ltd inre HNW Duske Dritte Grundstucks Ltd vs S S Marschelke – Beslaglegging (Attachment)	1223/10
64	J G vs J D Visser – Gevangesetting (Committal)	3501/08
65	Absa Bank Ltd vs Propfran 101 CC – Lewering van voertuig (Return of vehicle)	25692/09
66	B A Shurrie N.O. & 1 ander vs F J Vollmer – Geld Verskuldig (Monies Owing)	25358/09
67	R Smit vs H Van der Wath – Geld Verskuldig (Monies Owing)	1688/10
68	Trump Tyres CC t/a Supa Quick vs D Verhoeven – Geld Verskuldig (Monies Owing)	24778/09

- 69 N Yekiso vs Road Accident Fund – Ooreenkoms (Agreement)  
8770/07
- 70 City of Cape Town vs Erf 121 Sunnyside CC & 1 ander -  
9177/03  
Afwysing van eis (Dismissal of claim)
- 71 A M J F Eksteen vs Executor of the estate of the late J H Pepler  
& 4 ander – Interdik (Interdict) 25575/09
- 72 T Mackenzie-Hoy vs Power Guys (Pty) Ltd – Blootlegging (Discovery)  
7407/09
- 73 Paforma Property Finance (Pty) Ltd vs J D Van Tonder N.O. & 3 ander -  
Afdwing (Compell) 23738/09
- 74 L Goldberg & 1 ander vs J J Van Rensburg & 1 ander - 26688/09
- 75 Crede Oils (Pty) Ltd vs De Vine Oils (Pty) Ltd – Interdik (Interdict) 570/10
- 76 Loliwe CC t/a Vusumzi Environmental Services vs Waste Mart CC -  
Interdik (Interdict) 1389/10
- 77 P Schoeman & 1 ander vs The Trustees, Avenue St Louis Trust & 3 ander -  
Interdik (Interdict) 22316/09

#### EGSKEIDINGS (DIVORCES)

- 78 A W vs C J Cairns 26003/09
- 79 M H vs R L S Davids 25567/09
- 80 W vs S Le Roux 17536/09
- 81 K G Reid vs D J Smith 254/10
- 82 T vs I Rajie 25/10
- 83 J M vs A Schwan 25617/09
- 84 B L Evans vs S Van Houten 24143/09

85 L vs E Walters  
11989/06

REël 43 (RULE 43)

86 R M vs A H M Francken

10566/09

DINSDAG 2 FEBRUARIE 2010

AFDELING 1

AFDELING 2

AFDELING 3

AFDELING 4

SIVIELE SAKE

11258/08	M D Bartels vs Die Stad Kaapstad & ander Hersiening/Review
10281/08	Reiter Foods & Services CC vs Cattle Baron Steak Franchising (Pty) Ltd Eksepsie/Exception
5911/07	Millie Theuissen vs Road Accident Fund Skadevergoeding/Damages
14177/06	Nomathamsamqa Ngqola vs Road Accident Fund Skadevergoeding/Damages
496/07	Jeanette Ada vs Road Accident Fund Skadevergoeding/Damages
13572/06	Mncebisi Foli vs Road Accident Fund Skadevergoeding/Damages
6718/07	Shane Barthus vs Road Accident Fund Skadevergoeding/Damages
2576/05	Julia Nortje vs Minister of Justice and 3 ander Skadevergoeding/Damages
5745/07	Christodoulos Spanellis vs Anne Marie Spanellis Egskeiding/Divorce
8546/07	Elizabeth M Van der Westhuizen vs H Mallach and Ass CC
8955/04	Della Beleggings (Pty) Ltd vs Intercomp Thirteen (Pty) Ltd Ooreenkoms/Agreement
12339/05	P G Mbiko vs Road Accident Fund Skadevergoeding/Damages
5148/08	Iqbal Ahmed Khan & 2 ander vs City of Cape Town & 1 ander Hersiening/Review
13363/07	Relton Stanfliet vs Road Accident Fund Skadevergoeding/Damages
3565/09	Robert Coenraad van Nimwegen vs OCP Security & 3 ander
2043/09	Marthinus Johan Deysel vs Fastpulse Trading 461 Limited & 1 ander Tjek/Cheque
3884/08	Stephan Frank Mohacsy vs Road Accident Fund Skadevergoeding/Damages
11157/07	Jackson X Gantolo vs Minister of Safety & Security & 1 ander Skadevergoeding/Damages
496/07	J Ada vs Road Accident Fund Skadevergoeding/Damages

<u>AFDELING A</u>	<u>STRAFSAKE</u> S vs C Arendse & 8 ander
	S vs D P Adams & 2 ander
<u>AFDELING B</u>	S vs M Goni & 1 ander
	S vs Q Marinus & 14 ander
<u>AFDELING C</u>	S vs T Guxa
	S vs M Mtakati & 9 ander
<u>AFDELING D</u>	S vs B Small
<u>AFDELING E</u>	S vs M C Gesels
<u>AFDELING F</u>	S vs H Moses
	S vs C Buyiselwa & 1 ander
<u>AFDELING G</u>	S vs R Kruger
	S vs R Jack & 3 ander
<u>AFDELING H</u>	S vs S Beukes & ander
<u>AFDELING I</u>	S vs B J Vellel & 4 ander
	S vs G Van der Merwe & 3 ander
<u>AFDELING J</u>	S vs N Yangwa & 1 ander
<u>AFDELING K</u>	S vs M George & 3 ander
<u>AFDELING L</u>	S vs Y Chao & 18 ander
<u>AFDELING M</u>	S vs A Louw & 1 ander