

**IN DIE HOË HOF VAN SUID-AFRIKA  
(WES-KAAP HOË HOF)**

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**KAAPSTAD: DONDERDAG, die 21ste dag van APRIL 2011**

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**DERDE AFDELING: HOF NR. 16 OM 10H00 v.m.**

**VOOR SY EDELE REGTER LE GRANGE**

**BEVELE NISI (RULES NISI)**

|   |  |          |
|---|--|----------|
| 1 | A R Ebrahim vs S Ahjum & 1 ander – Sekwestrasie (Sequestration)                | 5664/11  |
| 2 | A R Ebrahim vs Y Ahjum & 1 ander – Sekwestrasie (Sequestration)                | 5665/11  |
| 3 | A C De Klerk vs W Kotze – Sekwestrasie (Sequestration)                         | 2686/11  |
| 4 | Southern Ambition 252 CC – Likwidasie (Liquidation)                            | 5191/11  |
| 5 | Rectron (Pty) Ltd vs TLC Marketing (Pty) Ltd – Likwidasie (Liquidation)        | 16142/10 |
| 6 | A A Gamza vs Greenside Sales and Marketing CC – Likwidasie (Liquidation)       | 4928/11  |
| 7 | R Doney vs Wird Coating Enterprises (Pty) Ltd – Geld Verskuldig (Monies Owing) | 5556/11  |

**VOORLOPIGE VONNIS (PROVISIONAL SENTENCE)**

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|---|---|---------|
| 8 | Rigafon CC vs W van Zyl N.O. & 1 ander – Geld Verskuldig (Monies Owing) | 6398/11 |
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**VERSTEK VONNISSE (DEFAULT JUDGMENTS)**

|    |   |          |
|----|---|----------|
| 9  | Absa Bank Ltd vs D J J Albertus & 1 ander – Verband (Bond)                      | 5269/11  |
| 10 | Absa Bank Ltd vs A B Gertse – Verbandakte (Mortgage Bond)                       | 5685/11  |
| 11 | Absa Bank Ltd vs D E Pieterse & 2 ander – Verband (Bond)                        | 571/11   |
| 12 | Absa Bank Ltd vs L R October & 1 ander – Verband (Bond)                         | 27756/10 |
| 13 | Absa Bank Ltd vs K K Payne & 1 ander – Verband (Bond)                           | 25200/10 |
| 14 | Absa Bank Ltd vs L Goller – Verband (Bond)                                      | 2835/11  |
| 15 | Absa Bank Ltd vs E Bruwer – Verband (Bond)                                      | 2833/11  |
| 16 | Absa Bank Ltd vs E Du Biel & 1 ander – Verband (Bond)                           | 5270/11  |
| 17 | Absa Bank Ltd vs L Gebreyesus & 1 ander – Verband (Bond)                        | 5272/11  |
| 18 | Changing Tides 17 (Pty) Ltd N.O. vs G T Steenkamp & 1 ander -<br>Verband (Bond) | 6321/09  |

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| 19 | Changing Tides 17 (Pty) Ltd N.O. vs E Daniels & 1 ander – Leningsooreenkoms (Loan Agreement)                      | 15372/10 |
| 20 | First Rand Bank Ltd t/a RMB Private Bank vs Erf 34028 Property CC & 1 ander – Ooreenkoms (Agreement)              | 27741/10 |
| 21 | First Rand Bank Limited t/a RMB Private Bank vs N Papavasiliopoulos & 1 ander –                                   | 27632/10 |
| 22 | Firststrand Bank Ltd t/a GMSA Financial Services, a division of Wesbank vs O vdM P Bergh – Ooreenkoms (Agreement) | 2679/11  |
| 23 | The Standard Bank of South Africa Ltd vs M T May & 1 ander - Verband (Bond)                                       | 4403/11  |
| 24 | The Standard Bank of South Africa Ltd vs Carstens Project Management CC & 1 ander – Verband (Bond)                | 5261/11  |
| 25 | The Standard Bank of South Africa Ltd vs Barrymore Property Investments CC – Verband (Bond)                       | 5355/11  |
| 26 | The Standard Bank of South Africa Ltd vs N P Mdladla – Verband (Bond)   | 4406/11  |
| 27 | The Standard Bank of South Africa Ltd vs H L Weyers & 1 ander - Verband (Bond)                                    | 4869/11  |
| 28 | The Standard Bank of South Africa Ltd vs Simvest 37 CC - Verband (Bond)   | 1435/11  |
| 29 | The Standard Bank of South Africa Ltd vs S Schuchardt & 1 ander - Verband (Bond)                                  | 2457/11  |
| 30 | Standard Bank of SA Ltd vs C J Levendal – Verband (Bond)  | 27763/10 |

#### SUMMIERE VONNISSE (SUMMARY JUDGMENTS)

|    |  |         |
|----|--|---------|
| 31 | Absa Bank Ltd vs E L McAllister – Verband (Bond)   | 2934/11 |
| 32 | Absa Bank Ltd vs N E February – Verband (Bond)   | 5157/11 |
| 33 | Changing Tides No. 17 (Pty) Ltd vs The Trustees for The Time Being of The Deone Myburgh Trust & 1 ander – Verband (Bond) | 954/11  |
| 34 | BMW Financial Services (SA)(Pty) Ltd vs P Zembe – Ooreenkoms (Agreement)   | 745/11  |
| 35 | BMW Financial Services (SA)(Pty) Ltd vs P Dankers – Geld Verskuldig (Monies Owing)                                       | 1460/11 |
| 36 | Changing Tides No. 17 (Pty) Ltd vs The Trustees for The Time Being of The Deone Myburgh Trust & 1 ander – Verband (Bond) | 954/11  |

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| 37 | Changing Tides No. 17 (Pty) Ltd vs R J Barnes & 1 ander – Verband (Bond)  | 4655/11  |
| 38 | Dynachem (Pty) Ltd vs Chemitex CC – Verband (Bond)  | 27438/10 |
| 39 | Firststrand Bank Ltd vs B E Louw – Verband (Bond)   | 14270/10 |
| 40 | Firststrand Bank Ltd t/a Wesbank vs R S Smeda & 1 ander – Ooreenkoms (Agreement)  | 4428/11  |
| 41 | Firststrand Bank Ltd t/a Wesbank vs G M Bresler – Ooreenkoms (Agreement)  | 4950/11  |
| 42 | Firststrand Bank Ltd t/a Volkswagen Financial Services a division of Wesbank vs A R Melcher – Ooreenkoms (Agreement)            | 18261/10 |
| 43 | Nedbank Ltd vs J Petzer & 1 ander – Ooreenkoms (Agreement)  | 941/11   |
| 44 | Nedbank Ltd vs M R Doebeli – Verband (Bond)   | 26643/10 |
| 45 | Standard Bank of South Africa Ltd vs J I du Plessis – Verband (Bond)  | 21186/10 |
| 46 | Standard Bank of South Africa Ltd vs F Oersen – Verband (Bond)  | 21187/10 |
| 47 | Standard Bank Ltd vs Stadlers Mega Farming CC & 1 ander - Ooreenkoms (Agreement)  | 3068/11  |
| 48 | Standard Bank of South Africa Ltd vs B Summers & 2 ander - Ooreenkoms (Agreement)   | 26593/10 |
| 49 | Standard Bank van Suid Afrika Bpk vs L C Erasmus - Verband (Bond)   | 2458/11  |
| 50 | Standard Bank of South Africa Ltd vs G G Jacobs & 1 ander -   | 19490/10 |
| 51 | The Standard Bank of South Africa Ltd vs E Cloete & 1 ander - Verband (Bond)  | 1437/11  |
| 52 | Voltex (Pty) Ltd vs African Generator Company (Pty) Ltd (a/k/a Afrikaanse Generator Companie (Pty) Ltd – Ooreenkoms (Agreement) | 5702/11  |
| 53 | E Venter vs Premier Enhanced Cash Fund Investment Association - Geld Verskuldig (Monies Owing)                                  | 5530/11  |
| 54 | Wesbank a division of Firststrand Bank Ltd vs J M Sawyer & 1 ander - Geld Verskuldig (Monies Owing)                             | 1360/11  |
| 55 | Wesbank a division of Firststrand Bank Ltd vs F D Lottering - Ooreenkoms (Agreement)  | 23293/10 |
| 56 | Wesbank a division of Firststrand Bank Ltd vs N Joseph – Kansellasië van Ooreenkoms (Cancellation of Agreement)                 | 23074/10 |

AANSOEKE (APPLICATIONS)

|    |   |         |
|----|---|---------|
| 57 | C S Kretschmer – Vrywillige Boedeloorgawe (Voluntary Surrender)   | 8092/11 |
| 58 | E Louw & 1 ander – Vrywillige Boedeloorgawe (Voluntary Surrender)   | 7960/11 |
| 59 | C Simpson – Vrywillige Boedeloorgawe (Voluntary Surrender)  | 7958/11 |
| 60 | I J S van der Linde & 1 ander – Vrywillige Boedeloorgawe (Voluntary Surrender)  | 8322/11 |
| 61 | P Steyn – Vrywillige Boedeloorgawe (Voluntary Surrender)  | 8378/11 |
| 62 | Z S C Dennis & 1 ander – Vrywillige Boedeloorgawe (Voluntary Surrender)   | 8326/11 |
| 63 | A G Bester & 1 ander – Vrywillige Boedeloorgawe (Voluntary Surrender)   | 7546/11 |
| 64 | The Standard Bank of South Africa Ltd vs E F Meyer & 1 ander - Sekwestrasie (Sequestration)                           | 7638/11 |
| 65 | CF Bester N.O. & 1 ander vs I Mouton – Sekwestrasie (Sequestration)   | 8091/11 |
| 66 | J van Wyk vs G A Smuts & 1 ander – Sekwestrasie (Sequestration)   | 8388/11 |
| 67 | W K Smit vs J Pienaar & 1 ander – Sekwestrasie (Sequestration)  | 7982/11 |
| 68 | The Standard Bank of South Africa Ltd vs M E Botha & 1 ander - Sekwestrasie (Sequestration)                           | 7399/11 |
| 69 | The Standard Bank of South Africa Ltd vs T R Mbuku & 1 ander - Sekwestrasie (Sequestration)                           | 7975/11 |
| 70 | C vs D Kotze – Sekwestrasie (Sequestration)   | 6920/11 |
| 71 | C Bacci vs Various Creditors – Sekwestrasie (Sequestration)   | 6985/11 |
| 72 | W Grobler – Rehabilitasie (Rehabilitation)  | 6482/11 |
| 73 | Altmore Body Corporate vs SF04 Investments (Pty) Ltd – Likwidasie (Liquidation)                                       | 6802/11 |
| 74 | F J L van Biljon vs Gusto Floors (Pty) Ltd – Likwidasie (Liquidation)   | 7627/11 |
| 75 | Polysafe Packaging CC vs Control Room Trading 20 CC t/a Personal Packaging Specialists – Likwidasie (Liquidation)     | 8232/11 |
| 76 | Altmore Body Corporate vs Mainsail Trading 24 (Pty) Ltd - Likwidasie (Liquidation)                                    | 6801/11 |
| 77 | African Logistics & Shipping International (Pty) Ltd vs African Logistic Support (Pty) Ltd – Likwidasie (Liquidation) | 8014/11 |

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| 78 | Kango Wines (Pty) Ltd vs J J Brits N.O. & 1 ander – Likwidasie (Liquidation)  | 7901/11  |
| 79 | S Matuba vs Minister of Police – Kondonasie (Condonation)   | 23876/09 |
| 80 | C P van Zyl N.O. & 1 ander – Likwidasie (Liquidation)   | 8347/11  |
| 81 | M H Ricciardi N.O. & 2 ander – Section 18 (3)   | 8365/11  |
| 82 | C P van Zyl N.O. & 1 ander – Likwidasie (Liquidation)   | 8342/11  |
| 83 | D E Liebenberg – Kurator ad Litem (Curator ad Litem)  | 7623/11  |
| 84 | E Bruwer – Kurator ad Litem (Curator ad Litem)  | 8287/11  |
| 85 | D E Liebenberg – Kurator ad Litem (Curator ad Litem)  | 7624/11  |
| 86 | G E Maistry – Kurator ad Litem (Curator ad Litem)   | 7388/11  |
| 87 | T J Stampu – Kurator ad Litem (Curator ad Litem)  | 8286/11  |
| 88 | H van Zyl & 1 ander – H.V.K. (A.N.C.)   | 5915/11  |
| 89 | S F Orford & 1 ander – Wysiging van Huweliks (Change of Matrimonial Property)   | 6477/11  |
| 90 | Bovidae Investments (Pty) Ltd & 1 ander vs H Kinghorn - Minagting van die Hof (Contempt of Court)   | 7351/11  |
| 91 | Kalipso Twintig (Pty) Ltd vs Member of The Executive Council Department of Environmental Affairs and Development Planning, Western Cape – Hersiening (Review) | 6248/11  |
| 92 | D Alexander & 1 ander vs Erf 159602 Kalk Bay (Pty) Ltd & 1 ander - Terugbesorging van Goedere (Return of Goods)   | 6520/11  |
| 93 | M G L G Silvestri & 2 ander vs Emilel Investments 19 (Pty) Ltd & 7 ander - Voeging (Joinder)  | 27309/10 |
| 94 | O Franz vs C Murdock – Ooreenkoms (Agreement)   | 22626/10 |
| 95 | A J vs J S Ehlers – Ediktale Sitasie (Edictal Citation)   | 8379/11  |
| 96 | EP Property Projects (Pty) Ltd vs P Naidoo & 4 ander - Voeging (Joinder)  | 6475/11  |
| 97 | M F Wierzycka & 2 ander – Ouerregte (Parental Rights)   | 8300/11  |
| 98 | L C vs D J de Freitas – Mede-Eienaarskap (Co-Ownership)   | 12012/10 |
| 99 | First Rand Bank Ltd vs V Arendse & 1 ander – Om te Voldoen (To Compel)  | 13487/10 |

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| 100  | Nedbank Ltd vs K L Suskin – Verband (Bond)  | 5718/06   |
| 101  | Nedbank Ltd vs M T Isaacs & 1 ander – Verbandakte (Mortgage Bond)   | 12812/09  |
| 102  | Nedbank Ltd vs A G Daniels – Verband (Bond)   | 6010/10   |
| 103  | Nedbank Ltd vs E F G Jardim & 1 ander – Verband (Bond)  | 437/10    |
| 104  | Nedbank Ltd vs M T Mekuto & 1 ander – Geld Verskuldig (Monies Owing)  | 9904/10   |
| 105  | Greenhouse Funding (Pty) Ltd vs L V Ntsimango & 1 ander -<br>Verband (Bond)   | 26158A/09 |
| 106  | Peoples Mortgage Ltd (f/k/a Peoples Bank Ltd) vs C T Ratya -<br>Geld Verskuldig (Monies Owing)                                | 8622/05   |
| 107  | Nedbank Ltd vs L A Marcus – Verband (Bond)  | 25059/09  |
| 108  | Nedbank Ltd vs S J Hendricks – Verband (Bond)   | 6591/10   |
| 109  | Nedbank Ltd vs M Jacobs – Verband (Bond)  | 19878/10  |
| 110  | Ferrodex Ltd vs Continental Coal (Pty) Ltd & 3 ander – Interdik (Interdict)   | 6476/11   |
| 111  | J B vs N A Perrins – Interdik (Interdict)   | 7338/11   |
| 112  | K J Towsey vs R Staniforth & 2 ander – Interdik (Interdict)   | 6373/11   |
| 113  | E P J Louw & 1 ander vs The Master of The High Court & 6 ander -<br>Interdik/Hersiening (Interdict/Review)                    | 7495/11   |
| 114  | L Mduyelwa vs L Mdunyelwa & 6 ander – Interdik (Interdict)  | 5921/11   |
| 115  | M M vs S Hector & 2 ander – Interdik (Interdict)  | 6404/11   |
| 115A | Western Cape Association for Persons with Disabilities vs West Coast<br>Association for Persons with Disabilities & 1 ander – | 7498/11   |
| 115B | S J Bishop – Kurator Bonis (Curator Bonis)  | 24723/10  |
| 116  | H vs G Crous -  | 4432/10   |
| 117  | The MFV “Intrepid” & 1 ander vs Wartsila South Africa (Pty) Ltd -<br>Verklarende Bevel (Declaratory Order)                    | AC177/10  |
| 118  | M R Hendricks & 1 ander Bubesi Investments 74 (Pty) Ltd & 1 ander -   | 4328/11   |
| 119  | V Mentz vs E L Laubscher & 2 ander – Verklarende Bevel<br>(Declaratory Order)   | 8030/11   |
| 120  | Standard Bank of South Africa Ltd vs M B Kock – Verband (Bond)  | 14295/10  |

DIVORCES (EGSKEIDINGS)

|     |                           |          |
|-----|---------------------------|----------|
| 121 | R P vs M Denny            | 3031/11  |
| 122 | S H J vs H J du Plessis   | 21683/09 |
| 123 | G vs D M Furman           | 5022/11  |
| 124 | L vs B L Goosen           | 5321/11  |
| 125 | Y vs J A Loubser          | 7225/11  |
| 126 | R M vs M M Louw           | 8062/11  |
| 127 | M A vs B J Lloyd          | 23881/09 |
| 128 | N E vs C T Moholo         | 18608/10 |
| 129 | K vs P Spence             | 5924/11  |
| 130 | H T vs P J Swinnen        | 2700/11  |
| 131 | B K vs H P Staebler       | 737/09   |
| 132 | C F vs A J van der Heever | 19442/08 |
| 133 | E vs C van Wyk            | 2397/11  |

REëLS 43 (RULES 43)

|     |                      |          |
|-----|----------------------|----------|
| 134 | C M vs D L Frost     | 6585/10  |
| 135 | D J vs D M Lippstreu | 25606/10 |
| 136 | M A vs B J Lloyd     | 1798/11  |

DONDERDAG 21 APRIL 2011

AFDELING 1

AFDELING 2

AFDELING 3

AFDELING 4

SIVIELE SAKE

|          |   |                               |
|----------|---|-------------------------------|
| 9860/07  | Thandiwe vs Road Accident Fund  | Skadevergoeding/Damages       |
| 14749/07 | Alfred Jafta vs Road Accident Fund                                      | Skadevergoeding/Damages       |
| 10087/08 | Xolile Dyakala vs Road Accident Fund                                    | Skadevergoeding/Damages       |
| 10210/08 | Aubrey Dundubala Mokoena vs Rainbow Construction Cape (Pty) Ltd         | Ooreenkoms/Agreement          |
| 10347/08 | K G Martin vs Diefau Investments CC                                     | Geld Verskuldig /Monies Owing |
| 11171/08 | Desiree Roux vs Road Accident Fund                                      | Skadevergoeding/Damages       |
| 11527/08 | Ashley Adams vs Road Accident Fund                                      | Skadevergoeding/Damages       |
| 13056/08 | Henry Cornelius Sterrenberg vs Sarah Cecilia Sterrenberg                | Egskeiding/Divorce            |
| 13295/08 | P Oliphant vs Road Accident Fund  | Skadevergoeding/Damages       |
| 13459/08 | Sibongile Isaac Mahlali vs Road Accident Fund                           | Skadevergoeding/Damages       |
| 13785/08 | Nicolaas Booysen vs Road Accident Fund                                  | Skadevergoeding/Damages       |
| 962/10   | The Body Corporate of Ruchshof vs Omer Restaurant CC                    | Ooreenkoms/Agreement          |
| 9330/10  | Vest Sources 2 (Pty) Ltd vs Dennis Moss Planners & Architects (Pty) Ltd | Geld Verskuldig /Monies Owing |
| 22758/10 | Thermagreen Steel Structures SA (Pty) Ltd vs Annagret Homan & 3 ander   | Geld Verskuldig /Monies Owing |
| 2236/08  | Lisa C Verrezen vs Lucian Verrezen                                      | Egskeiding/Divorce            |
| 14170/10 | Class A Trading 34 (Pty) Ltd vs Craig Delport & 5 ander                 | Ooreenkoms/Agreement          |
| 10056/09 | Esme Skolnic vs Vita Brevis (Pty) Ltd                                   | Ooreenkoms/Agreement          |
| 21546/10 | Noleen Dawn Roodman vs Lourens Johannes Roodman                         | Egskeiding/Divorce            |
| 3506/10  | Dolphin Ridge Body Corporate vs Express Model Trading 289 CC            | Geld Verskuldig /Monies Owing |
| 22706/10 | Elza Catherine Bresler vs Stephanus Niclaas Bresler                     | Geld Verskuldig /Monies Owing |
| 9912/10  | Ingrid Dianne Karsten N.O. vs Henry Luke Carpenter                      | Geld Verskuldig /Monies Owing |

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| 13280/10          | Firststrand Bank Limited vs Leroy Edwin Carelse | Geld Verskuldig<br>/Monies Owing |
| 14015/09          | The Motor Finance Corporation vs Valencia Prins | Geld Verskuldig<br>/Monies Owing |
| 20661/10          | The Motor Finance Corporation vs Valencia Prins | Geld Verskuldig<br>/Monies Owing |
|                   | <u>STRAFSAKE</u>                                |                                  |
| <u>AFDELING A</u> | S vs G Thomas & 18 ander                        |                                  |
| <u>AFDELING B</u> | S vs D Isaacs & 1 ander                         |                                  |
| <u>AFDELING C</u> | S vs R Visagie                                  |                                  |
| <u>AFDELING D</u> |   |                                  |
| <u>AFDELING E</u> | S vs Q Solomons & 1 ander                       |                                  |
| <u>AFDELING F</u> | S vs L Momadi & 4 ander                         |                                  |
| <u>AFDELING G</u> |   |                                  |
| <u>AFDELING H</u> | S vs L Luke & 10 ander                          |                                  |
| <u>AFDELING I</u> | S vs M Matanzima & 4 ander                      |                                  |
| <u>AFDELING J</u> | S vs M G Mbuli & 7 ander                        |                                  |
| <u>AFDELING K</u> | S vs M Mtakati & 9 ander                        |                                  |