

**IN THE HIGH COURT OF SOUTH AFRICA
NORTHERN CAPE DIVISION, KIMBERLEY**

Case No: 1094/2022

Heard: 05/08/2022

Date delivered: 15/08/2022

Reportable: YES / NO

Circulate to Judges: YES / NO

Circulate to Magistrates: YES / NO

Circulate to Regional Magistrates: YES / NO

In the matter between:

SHANIE TALJAARD

(Previously Fourie, ID No: [...])

1st Applicant

CURO CONSULTANCY (PTY) LTD

2nd Applicant

and

**THE LAND AND AGRICULTURAL DEVELOPMENT BANK
OF SOUTH AFRICA**

1st Respondent

MINISTER OF TRADE AND INDUSTRY

2nd Respondent

MINISTER OF JUSTICE AND CONSTITUTIONAL

DEVELOPMENT

3rd Respondent

**COMPANIES AND INTELLECTUAL PROPERTY
COMMISSION (CIPC)**

4th Respondent

JOCHEN ECKHOFF N.O.

(in his capacity as provisional co-liquidator of Project Multiply (Pty) Ltd (in provisional liquidation) (Reg No: 1993/005325/07) and Velvetcream 15 (Pty) Ltd (in provisional liquidation) Reg No: 2005/033276/07); and in his capacity as provisional co-trustee of the Merwede Trust (IT1534/98) in his capacity as co-trustee of the insolvent estate of Carel Aaron van der Merwe)

5th Respondent

DEON MARIUS BOTHA N.O.

(in his capacity as provisional co-liquidator of Project Multiply (Pty) Ltd (in provisional liquidation) (Reg No: 1993/005325/07) and in his capacity as co-trustee of the insolvent estate of Carel Aaron van der Merwe)

6th Respondent

JOHANNES ZACHARIAS HUMAN MULLER N.O.

(in his capacity as provisional co-liquidator of Velvetcream 15 (Pty) Ltd (in provisional liquidation) (Reg No: 2005/033276/07; and in his capacity as provisional co-trustee of the Merwede Trust (IT1534/98)

7th Respondent

FUSI PATRICK RAMPOPORO N.O.

(in his capacity as provisional co-liquidator of Project Multiply (Pty) Ltd (in provisional liquidation) (Reg No: 1993/005325/07)

8th Respondent

SIMON MALEBO RAMPOPORO N.O.

(in his capacity as provisional co-liquidator of Velvetcream 15 (Pty) Ltd (in provisional liquidation)

(Reg No: 2005/033276/07)

9th Respondent

ANGELINE POOLE N.O.

(in her capacity as provisional co-trustee of the Merwede Trust (IT1534/98)

10th Respondent

CATHARINA SUSANNE VAN DER MERWE N.O.

(in her capacity as sole remaining trustee of the Merwede Trust (IT1534/98)

11th Respondent

PHILEMON TATENDA MAWIRE N.O.

(in his capacity as co-trustee of the insolvent estate of Carel Aron van der Merwe)

12th Respondent

AGRI SOUTH AFRICA NPC

13th Respondent

MASTER OF THE HIGH COURT, KIMBERLEY

14th Respondent

MASTER OF THE HIGH COURT, CAPE TOWN

15th Respondent

**AFFECTED PARTIES OF PROJECT MULTIPLY (PTY) LTD
AS PER LIST ANNEXED HERETO, MARKED "A"**

16th Respondent

**AFFECTED PARTIES OF VELVETCREAM 15 (PTY) LTD
AS PER LIST ANNEXED HERETO, MARKED "B"**

17th Respondent

**AFFECTED PARTIES OF THE MERWEDE TRUST AS PER
THE LIST ANNEXED HERETO, MARKED "C"**

18th Respondent

**AFFECTED PARTIES OF CAREL ARON VAN DER MERWE
AS PER LIST ANNEXED HERETO MARKED "D"**

19th Respondent

In re:

Case No: 963/2021

**THE LAND AND AGRICULTURAL DEVELOPMENT
BANK OF SOUTH AFRICA**

Applicant

and

JACQUES DU TOIT N.O. (in his erstwhile capacity as
Business Rescue Practitioner of Project Multiply (Pty)
Ltd (in provisional liquidation

1st Respondent

PROJECT MULTIPLY (PTY) LTD (in provisional
Liquidation) (Reg No: 1993/005325/07)

2nd Respondent

**THE COMPANIES AND INTELLECTUAL PROPERTY
COMMISSION (CIPC)**

3rd Respondent

ALL AFFECTED PARTIES

4th Respondent

AND in re:

Case No: 964/2021

In the matter between:

**THE LAND AND AGRICULTURAL DEVELOPMENT
BANK OF SOUTH AFRICA**

Applicant

and

JACQUES DU TOIT N.O. (in his erstwhile capacity as
Business Rescue Practitioner of Velvetcream 15 (Pty)
Ltd (in provisional liquidation)
(Reg No: 2005/033276/07)

1st Respondent

VELVETCREAM 15 (PTY) LTD

(in provisional liquidation)

(Reg No: 2005/033276/07)

2nd Respondent

**THE COMPANIES AND INTELLECTUAL PROPERTY
COMMISSION (CIPC)**

3rd Respondent

ALL AFFECTED PARTIES

4th Respondent

AND in re:

Mahikeng Case No: M557/2021/27

Kimberley Case No: 2436/2021

**THE LAND AND AGRICULTURAL DEVELOPMENT
BANK OF SOUTH AFRICA**

Applicant

and

CAREL ARON VAN DER MERWE (SNR) N.O.

1st Respondent

CATHARINE SUSANNA VAN DER MERWE N.O.

2nd Respondent

CAREL ARON VAN DER MERWE (JNR) N.O.

3rd Respondent

(in their capacities as co-trustees of the Merwede
Trust (IT 1534/98))

JUDGMENT

Mamosebo J

[1] The applicants, Shanie Taljaard and Curo Consultancy (Pty) Ltd, are seeking relief divided into three parts:

1.1 Part A – Intervention and Joinder

1. That the First and Second Applicants be joined as First and Second Intervening Parties in the winding-up applications of Project Multiply and Velvetcream, brought by THE LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA (“Land Bank”), under case numbers 963/2021 and 964/2021;
2. That the First and Second Applicants be joined as First and Second Intervening Parties in the sequestration application of the Merwede Trust, brought by Land Bank, under case number 2436/2021;
3. That those parties that choose to oppose this application be ordered to pay the costs of this application.

1.2 Part B – Constitutional Challenge

4. Declaring that the differentiation brought about by the adoption of Chapter 6 of the Companies Act in the applicability of business rescue proceedings between companies and close corporations on the one hand, sole proprietorships and natural persons and trusts, on the other, is arbitrary, contrary to section 9(1) of the Constitution and invalid.
5. Declaring section 1 of the Companies Act 71 of 2008 (“the Act”) as unconstitutional in that it unfairly discriminates between:
 - 5.1 juristic persons which are trusts, on the one hand and juristic persons such as companies and close corporations, on the other hand, as there is no justification for the omission of a trust from business rescue

proceedings, in circumstances where the trust is in a subsidiary relationship to a company or companies and that company or any one or more of those companies have commenced business rescue proceedings.

5.2 natural persons, on the one hand and juristic persons such as companies and close corporations, on the other hand, as there is no justification for the omission of a natural person from business rescue proceedings, in circumstances where the natural person is in an inter-related and subsidiary relationship to a company or companies and that company or any or more of those companies have commenced business rescue proceedings.

6. Suspending the declarations made in paragraphs 4 and 5 above for a period of two years for Parliament to correct the defect.

7. Directing that, until such time as Parliament corrects the defect, an extension of the definition of 'companies' in section 1 of the companies Act, is granted, by a reading-in of the following subsection immediately after the subsection (c) thereof:

“or (d) for purposes of the application of chapter 6 of the act, a trust and/or natural person which are/is in an inter-related and subsidiary relationship with a company or companies, but only in so far as that company or any or more of those companies have commenced business rescue proceedings, and will the ‘trustees of the trust’ have a similar meaning to ‘board of a company’ and will such a natural person be equated to a ‘board of company’.”

8. That those parties that choose to oppose this application be ordered to pay the costs of this application.

1.3 Part C – Business Rescue

9. An order dismissing the winding-up and sequestration applications of Project Multiply, Velvetcream and Merwede Trust.

10. An order placing Project Multiply, Velvetcream, Merwede Trust and Van der Merwe under supervision and that business rescue proceedings be commenced with in terms of Section 131(1) of the Companies Act 71 of 2008 (“the Companies Act”);

11. An order appointing Jacques du Toit and a business rescue practitioner nominated by Land Bank, as the joint business rescue practitioner to conduct the business of Project Multiply, Velvetcream, Merwede Trust and Van der Merwe with all powers and duties entrusted to them in terms of the Companies Act;

[2] The Land Bank, setting the matter down for 05 August 2022, filed an affidavit serving a dual purpose, first as an answering affidavit to the main application and as an urgent counter-application seeking a declarator that the business rescue as proposed by the applicants to the present application is not achievable on reasonably objective grounds. The applicants then filed a notice in terms of Rule 30(1) of the Uniform Rules of Court objecting to the method adopted by the Land Bank in bringing the counter-application.

[3] On 05 August 2022, the parties before me were the following: the applicants in the main application, Ms Shanie Taljaard and Curo Consultancy (Pty) Ltd, represented by Adv. J De Vries. The first respondent who is also the applicant in the counter-application, the Land and Agricultural Development of South Africa, represented by Adv. FH Terblanche SC assisted by Adv. S Tsangarakis. The second respondent, the Minister of Trade and Industry, represented by Adv. W Coetzee SC. The 5th to 10th and 12th respondents (the provisional liquidators and trustees) represented by Adv. U Van Niekerk while Adv. D Jankowitz was on a brief by Transvaal Landbou Unie (TLU).

The *amicus curiae*

[4] Mr Jankowitz submitted that the *amicus* application papers were only served on the other parties on the eve of these proceedings, 04 August 2022, and the original was definitely not in the court file. According to Mr Jankowitz, a formal application for admission of TLU as *amicus* was to be heard on 19 August 2022 in the unopposed motion court. It is inexplicable why the application by TLU would only be set down for the 19th of August 2022 when TLU was already aware of the urgent set down of the matter.

[5] The Rule 16 notice by TLU is already five (5) days out of time. Mr Terblanche SC submitted that the approach adopted by TLU in this application is, in itself, prejudicial to the Land Bank and urged me to proceed with the application and not entertain the submissions made by Mr Jankowitz and the Rule 30 application but hear the counter-application. Mr Coetzee SC also intimated that while not having any stance on the application by TLU, the second respondent also received TLU's papers on the eve of this application and did not have sufficient time to consider the application. Counsel also reiterated the lateness of the TLU application. Mr De Vries not only took a shot at the Land Bank contending that it filed its answering affidavit one day late but also argued that the Land Bank enrolled the application which would otherwise have afforded the applicants 10 days to file their papers. Mr De Vries further submitted that this application is of national importance and TLU has a constitutional right to be heard and should be afforded the opportunity to file its submissions. Counsel disagreed with the submission that TLU's application was five days late as the return date remains 11 October 2022. Ms Van Niekerk submitted that the liquidators and the trustees were not served with the TLU application. Counsel intimated that TLU should have brought their application on an urgent basis and filed a proper condonation application. Though the liquidators' and the trustees' application hinges on the success of the counter-application, they are not receiving cooperation from the applicants and Mr Van der Merwe who has since been finally sequestered in 2021.

[6] It was unclear from Mr Jankowitz whether he was applying for a postponement and if so, why a substantive application was not brought by TLU

because it is now settled that a postponement is an indulgence that a party is not automatically entitled to¹.

[7] A brief background is necessary. On 08 June 2022 the applicants under Case No 1094/22, Ms Shanie Taljaard and Curo Consultancy, brought an application raising constitutional issues. They filed a notice in terms of Rule 16A to the registrar, the purpose of which was to bring the constitutional challenge to the attention of persons who may be affected by, or who may have a legitimate interest in, the case². The rule enables such persons to seek to intervene either as a party or as *amicus curiae*.

[8] TLU SA, a national non-profit agricultural organisation, is seeking consent to enter as *amicus curiae* in this matter; to be given consent to lodge written submissions; and consent to present oral submissions at the hearing of the matter. Only the applicants served and filed their written consent for TLU SA to be admitted as the *amicus curiae*.

[9] Rule 16A makes provision for a party who opposes an application for admission as *amicus curiae* to file an answering affidavit clearly and succinctly setting out the grounds of opposition. What seems to be disturbing and must be discouraged from continuing is service on the eve of the hearing or no service at all on the other parties, which, in my view, has deprived others of meaningful engagement in the process of complying with Rule 16A.

[10] The following pronouncements by the Constitutional Court in *Ex Parte Institute for Security Studies: In Re S v Basson*³ are instructive:

“[7] In the exercise of its discretion whether or not to admit a person as an amicus this Court will have regard to the principles that govern the admission of an amicus. These principles are whether the submissions sought to be advanced are relevant to the issues before the Court, will be useful to the

¹ See *National Police Service Union and Others v Minister of Safety and Security and Others* 2000 (4) SA 1110 (CC)

² *Shaik v Minister of Justice and Constitutional Development* 2004 (3) SA 599 (CC) at 610H

³ 2006 (6) SA 195 (CC) at para 7

Court and are different from those of the other parties. As Rule 10(7) indicates, the submission should raise new contentions and should 'not repeat any matter set forth in the argument of the other parties.' It is the duty of this Court, in the exercise of its discretion, to ensure that these principles are satisfied before a person can be admitted as an amicus. Where these principles are not satisfied a person cannot be admitted as an amicus. It follows therefore that this Court is not bound to admit a person who has obtained written consent of all the parties. This Court may refuse to admit such a person where the underlying principles referred to above are not satisfied. Nor does the fact that a person was admitted as an amicus curiae in the Court below matter."

[11] Undoubtedly, the failure by TLU to make this application in these proceedings has contributed in the matter not being ripe for hearing. It follows that in order to afford TLU opportunity to make submissions in line with the principles outlined in the *Basson* matter the application will be deferred to another date for hearing. Leave will, however be granted to TLU SA to file its written submissions not to the unopposed motion court but to form part of these proceedings to enable this court to assess the application properly and evaluate the submissions sought to be advanced in the light of the principles governing the admission of an *amicus*.

The Rule 30(1) application: irregular proceedings

[12] As already alluded to earlier, the Land Bank filed an affidavit serving a dual purpose, first as an answering affidavit to the main application and as an urgent counter-application seeking a declarator that the business rescue as proposed by the applicants to the present application is not achievable on reasonably objective grounds. The applicants then filed a notice in terms of Rule 30(1) of the Uniform Rules of Court objecting to the method adopted by the Land Bank in bringing the counter-application. A second Rule 30 application was also filed, on the eve of the hearing, I must add, against the liquidators for also allegedly taking an irregular step.

[13] In the Notice of Motion dated 03 August 2022 the applicants are seeking the following relief:

13.1 that Land Bank's Notice of Motion instituting its counter application dated 28 June 2022 be set aside and that case number 1094/2022 be struck from the roll;

13.2 that Land Bank be ordered to pay the applicants' costs on attorney and client scale, inclusive of costs of two counsel where used;

13.3 alternatively to 13.1 and 13.2 above, an order postponing the counter-application to 11 October 2022 to be heard with the main application (case number 1094/2022) and the liquidation and sequestration applications (963/2021; 964/2021 and 2436 of 2021);

13.4 afford the applicants a period of 15 court days from the date of this order to deliver their answering affidavit(s) to the counter application and their replying affidavit in the main application;

13.5 that Land Bank be ordered to pay the applicants' costs on attorney and client scale, inclusive of the costs of two counsel where used.

[14] Mr De Vries conceded that the business rescue must be dealt with expeditiously. Counsel relied on *Engen Petroleum Ltd v Multi Waste (Pty) Ltd and Others*⁴ which basically deals with the notification requirements to all affected parties and the type of application when applying for business rescue in terms of s 131 of the Companies Act. Mr De Vries also relied on *Taboo Trading 232 (Pty) Ltd v Pro Wreck Scrap Metal CC and Others*⁵ which deals with the effect of s 131 (6) of the Companies Act regarding the suspension of liquidation proceedings. In *Standard Bank of South Africa Ltd v Gas 2 Liquids (Pty) Ltd*⁶ the Court pronounced that there must be service of the application for business rescue and proper notification as required in terms of s 131 of the Act before it can be said that the application has been 'made' and that the liquidation proceedings have been suspended. The applicants aver that although the application was brought on the grounds of urgency no reasons are set out in Land Bank's affidavit supporting urgency; there is also a

⁴ 2012 (5) SA 596 (GSJ)

⁵ 2013 (6) SA 141 (KZP)

⁶ 2017 (2) SA 56 (GJ)

premature set-down of the matter as it is tantamount to a variation of the Court orders taken by agreement granted by Mamosebo J on 10 May 2022. Counsel submitted that Land Bank's counter-application should be set aside with costs based on these reasons alone. Mr De Vries further submitted that the applicants did not file their replying affidavit to the application as that would have resulted in a further step being taken. Ms Taljaard has paid senior counsel who could not attend the proceedings because the date did not suit him. Should the court find the step taken by the Land Bank not to be an irregular step then the applicants seek a postponement to file the replying affidavit.

[15] In as far as the liquidators and the trustees are concerned, Mr De Vries argued that there was no merit in the submissions by the liquidators since the applicants would not sabotage themselves. There was good rain and production. The period for the liquidators to remove the cause of the complaint has not lapsed. There is also no reason to saddle the insolvent estate with the costs of this application and the liquidators and trustees must pay the costs *de bonis propriis*. Mr De Vries concluded with the submission that even if the applicants' Rule 30 application is dismissed they should be afforded the opportunity to file their outstanding papers.

[16] Landbank argued that by merely resorting to the Rule 30(1) procedure alleging that Land Bank has taken an irregular step in the proceedings is an abuse of court process by the applicants and their transparent attempt to avoid paying their debt. The application is also used to fortify delay. It is inexplicable why the applicants waited for the appearance date of 05 August 2022 to say to the Court that they are waiting for the return date of the 11 October 2022 since the date is for the liquidation proceedings and did not deter the applicants from bringing a business rescue application. Ordinarily, the applicants should have welcomed the earlier date to have their matter heard. In May 2022, Ms Taljaard sought to intervene in the business rescue application but decided to throw in the towel and consented to the provisional orders. Counsel for the applicants argued that litigation must wait for the return date in October 2022 to hear the new business rescue application without any explanation why the application was not brought earlier. Mr Terblanche submitted the concern that business rescue is a remedy that should be expedited, at least two

to three months, regard being had to the tight timelines afforded by the Act itself. The two companies in issue, Project Multiply and Velvetcream, went into business rescue in January 2021 and by May 2022 when the business rescue was declared a nullity by the Court, a period of 18 months had already elapsed. The bank is aware that the sheep are being slaughtered and yet there is no money paid to it.

[17] Mr Terblanche referred to the letter by Johann Victor Attorneys addressed to the joint provisional liquidators dated 02 June 2022 marked “AA 24” quoted in relevant part:

“4. We further wish to confirm that our clients’ application to place the entities of the Merwede Group in business rescue will be finalised tomorrow, being 3 June 2022, and thereafter will be duly issued and served by the Sheriff on all the necessary parties and affected persons (who will be properly notified) and which process will stay the winding up proceedings.”

Counsel submitted that not only is the statement incorrect and an abuse of court process but it gives insight into the thinking of the applicants.

[18] When considering the aspect of prejudice to the Land Bank, Mr Terblanche invoked the case of *AG Petzetakis International Holdings Ltd v Petzetakis (Pty) Ltd and Others*⁷ where the Court said:

“[29] Chapter 6 of the Companies Act demonstrates a legislative intention that rescue proceedings must be conducted reasonably speedily. The reason is obvious. Pending rescue proceedings temporarily protect the company concerned from legal proceedings by its creditors for the recovery of legitimate claims without any input of the creditors and removes the unfettered management of the company from the creditors. Delays will extend the duration of these temporary statutory arrangements, of which the duration is restricted by way of the procedure prescribed by the Act. For example, section 148 requires the business rescue practitioner to convene a meeting within 10 business days after being appointed. In terms of section

⁷ [2012] JOL 28598 GSJ at para 29

150(5), a business plan must be published within 25 business days after the appointment of the practitioner. Section 151 requires a meeting to be held within 10 business days after publication of the business rescue plan. In terms of s 152 the fate of the company is decided at the section 151 meeting. If the time periods are added up, it appears that the protection of the company without the cooperation of the creditors from the time of a rescue order should not be more than 2 to 3 months, even if there are many intervening non-business days.”

[19] Counsel relied on the unreported judgment of this Court in *C Rock (Pty) v H.C Van Wyk Diamonds Ltd and Others* (2355/2018A) [2018] ZANCHC 91(7 December 2018) paras 12,13 and 17, urging me, that unless I find that C-Rock is clearly wrong, I should follow it. Williams J granted the application and heard the business rescue application on an urgent basis. These are the other considerations:

19.1 The allegations of dissipation or spiriting away of sheep of approximately R6.4 million plus VAT. In addition proceeds of about 7 037 head of sheep have been spirited away despite being the Land Banks' securities in a form of a cession and pledge; disturbingly, the amounts received are deposited into the bank account of Merwede Ranching (Pty) Ltd which is a separate company not under the two companies in liquidation and Merwede Trust. The directors of Merwede Ranching are Ms Taljaard and the already finally sequestrated Mr Van der Merwe.

19.2 A Toyota Land Cruiser VX Luxury 4X4 and a Beechcraft airplane, registered in the name of Project Multiply has been transferred to the Ronnie Van der Merwe Trust. Whereas the contents of the letter from Johan Victor Attorneys addressed to the corporate liquidators dated 20 January 2022 dealt with the stock units and group stock and assets sold it remained silent on the Land Cruiser.

19.3 The fact that the debt is growing exponentially now standing at R83 649 687.34 and there has not been any repayment since 2018.

19.4 The fact that Land Bank is the major secured creditor with over 95% of the voting right while Ms Taljaard has a disputed less than 1% is also not insignificant.

19.5 Land Bank has expressed itself that it does not support the pending business rescue plan.

19.6 The report by the forensic auditor;

19.7 On **30 May 2022, this date is 12 days after I had granted a provisional liquidation order**, Ms Taljaard addressed an email to Belinda under the subject “aansoek vir slagting” (application for slaughter) and it reads:

“Hallo Belinda

Laat weet asb indien jy nog ietsie kort?

Onthou ook asb Dewit en Hernes se kontak nommers? Sal jy asb vleispryse ook aanstuur? Epos of whatsapp na [...] en [...]

Baie dankie

Groete

Cura Consultancies

Shanie Taljaard

(+27)79 986 2206”

19.8 More importantly is the order on 10 May 2022 terminating the business rescue proceedings and granting provisional liquidation of the two companies and provisionally sequestrating the trust with the return date of 11 October 2022. Mr Terblanche submitted that the Rule 30 application should be dismissed with costs on a punitive scale.

[20] Fundamentally, and in my view, refusing to hear the counter- application for lack of urgency would be putting form over substance. The afore-mentioned are but some of the considerations that led me to agree with the Land Bank that the counter-application is urgent or at least semi-urgent.

[21] The Court has a discretion to be exercised judicially on a consideration of the circumstances and what is fair to both sides. I am not persuaded that I should accede to the argument to set aside Land Bank's counter-application solely on the point taken by the applicants' counsel of the lack of urgency or premature set down. The matter is of national interest as it does not only affect a major secured creditor and the provisional liquidators and their powers but also the farmers and farm labourers. It is crucial for the *amicus* and the Minister of Trade and Industry cited as the second respondent to file their submissions timeously. The Minister of Justice and Constitutional Development, the third respondent has filed a notice to abide the Court's decision. I cannot discern any prejudice to the applicants should the counter-application be enrolled on an urgent basis. It is for the reasons mentioned above that I find that the Rule 30 application is without any merit.

[22] Resultantly, the parties would need to file all the outstanding affidavits in respect of the main and counter applications as well as the written submissions before the matter can be ripe for hearing. This does not, however, support the contention by the applicants that the matter was set down prematurely because the issues remain live and warrant the necessary attention.

[23] On 10 August 2022 I had a meeting in my chambers with the attorneys for the respective parties to consider the dates. These parties agreed to the truncated timeframes and the dates referred to in the order.

[24] In the result, the following order is made:

1. The application by TLU SA to be admitted as *amicus curiae* is deferred to 08 September 2022.
2. TLU SA is granted leave to file its written submissions on or before 19 August 2022.
3. The application in terms of Rule 30 of the Uniform Rules of Court is dismissed.

4. The application under Case Number 1094/2022 and the counter-application are postponed to 08 September 2022.
5. The applicants, Ms Shanie Taljaard and Curo Consultancy (Pty) Ltd are ordered to file their replying affidavit (if any) and their answering affidavit to the counter-application in Case Number 1094/2022 on or before 26 August 2022.
6. The Land Bank and the provisional liquidators to file the replying affidavits (if any) in the counter-application on or before 26 August 2022.
7. Indexing and pagination to be completed by 31 August 2022.
8. All the parties are to serve and file the written submissions by 2 September 2022.
9. Costs are reserved for later determination.

M.C. MAMOSEBO
JUDGE OF THE HIGH COURT
NORTHERN CAPE DIVISION

For the 1st and 2nd applicants:
Instructed by:

Adv. J De Vries
Johan Victor Attorneys
c/o Engelsman, Magabane Inc.

For the 1st respondent:

Adv. FH Terblanche SC

Assisted by:

Instructed by:

Adv. S. Tsangarakis

Strydom & Bredenkamp Inc

c/o Van de Wall Inc.

For the 2nd respondent:

Instructed by:

Adv. W Coetzee SC

Office of the State Attorney

For the 3rd respondent:

Abiding

For the 4th respondent:

For the 5th-10th & 12th respondent:

Instructed by:

Adv. U Van Niekerk

JI Van Niekerk Attorneys

c/o Majiedt Swart Inc

Amicus Curiae:

Instructed by:

Adv. D Jankowitz

PGMO Attorneys