

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

9/2/2017
CASE NO: 18445/2014

In the matter between:

INDUSTRIAL CORPORATION OF SOUTH AFRICA LIMITED Applicant

and

KGASWANE COUNTRY LODGE (PTY) LIMITED Respondent

REASONS FOR ORDER

Tuchten J:

- 1 This matter came before me in the unopposed motion court for the hearing of the relief sought in Part B of the applicant's notice of motion. The relief sought was an order that the applicant be authorised to dispose of all the respondent's moveable property whether held by the respondent at the date of the order or acquired by the respondent in the future by public auction, public tender, private treaty or in such manner as the applicant decided.

- 2 I put it to counsel that the order sought was one for *parate executie*. Counsel did not argue otherwise. There seemed to me no justification for the prayer that the applicant be empowered by court order to sell

all of the assets in a manner and on terms decided by the applicant itself. I was not referred to any inventory or valuation of the assets sought to be sold.

- 3 There seemed to me to be no reason why the applicant should not seek to obtain a money judgment against the respondent for what is owed to it and then execute on that judgment in accordance with the usual practice.
- 4 I therefore refused to make the order sought.

A handwritten signature in black ink, appearing to read 'NB Tuchten', written over a horizontal line.

NB Tuchten
Judge of the High Court
9 February 2017