

IN THE HIGH COURT OF SOUTH AFRICA
(FREE STATE PROVINCIAL DIVISION)

Case No. : 1105/2009

In the *EX PARTE* matter between:-

DONOVAN THEODORE MAJIEDT N.O. 1st Applicant

CHAVONNES BADENHORST ST CLAIR 2nd Applicant
COOPER N.O.

LUKE BERNARD SAFFY N.O. 3rd Applicant

SIMON MALEBO RAMPOPORO N.O. 4th Applicant

(in their capacities as provisional liquidators)

ATLANTIS FORGE (EDMS) BEPERK [IN LIKWIDASIE]

CORAM: H.M. MUSI, JP

HEARD ON: 5 MARCH 2009

DELIVERED ON: 19 MARCH 2009

JUDGMENT

H.M. MUSI, JP

[1] This is an urgent application brought by the provisional liquidators of Atlantis Forge (Pty) Ltd which was put under provisional liquidation by an order of this court on 18 February 2009. The provisional liquidators seek leave to raise money on the security of the assets of the company in

terms of section 386(5) of the Companies Act and other relief. The application was before me on 5 March 2009 and was postponed *sine die* to await judgment in the matter of **Solidarity In Re Arno van Wyk and Atlantis Forge (Pty) Ltd**, case number 779/2009. The reason for the postponement was that if the provisional order of liquidation which was the bone of contention in the **Solidarity**-application is set aside, then the basis for the instant application would fall away. That is precisely what has happened and the instant application simply collapses.

- [2] The application is struck off the roll and there shall be no order as to costs.

H.M. MUSI, JP

On behalf of applicants:

Adv. P. Zietsman
Instructed by:
E G Cooper Majiedt Inc
BLOEMFONTEIN

/sp