

SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and [SAFLII Policy](#)

**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 2025/058512

(1) REPORTABLE: YES/NO

(2) OF INTEREST TO OTHER JUDGES: YES/NO

(3) REVISED: YES/NO

DATE:08/05/2025

In the matter between:

HIGHLANDE ENERGY (PTY) LTD

First Applicant

ANGELO MARTINS ESTEVAO

Second Applicant

and

**THE STANDARD BANK OF SOUTH AFRICA
LIMITED**

First Respondent

SUE ANNE FISHER

Second Respondent

ANELISA KELEMBE

Third Respondent

**COMPANIES AND INTELLECTUAL PROPERTY
COMMISSION**

Fourth Respondent

JUDGMENT

EPSTEIN AJ

1. This application was brought by way of urgency on 28 April 2025 for an order that the First Respondent (the Standard Bank of South Africa Limited) and the Second Respondent (Sue Anne Fisher) (an employee of Standard Bank), be interdicted, restrained and prohibited from appointing the Third Respondent (Anelisa Kelembe) as a signatory to the bank account held at Standard Bank in the name of the First Applicant Highlande Energy (Pty) Ltd ("Highlande"). This relief was sought pending determination of Part B to the application.

2. Part B of the application seeks the following relief:

2.1. An order declaring that the Second Applicant (Angelo Martins Estevao) is the duly appointed director of Highlande owning 100% of the shares.

2.2. An order declaring that the Second Applicant is the duly appointed signatory on the Standard Bank account held by Highlande.

2.3. That Standard Bank is interdicted from appointing the Third Respondent as a signatory on the bank account.

2.4. That Standard Bank is ordered to remove or uplift the hold that was placed by it on the Standard Bank account.

2.5. That the Second Applicant is ordered to permit him uninterrupted access to make transactions in Highlande's bank account.

2.6. That Standard Bank is ordered to release the amount of R1.5 million paid by Highlande to the bank account of Riydoo Investments (Pty) Ltd.

3. An order was granted *ex parte* by Adams J on 29 April 2025. This order directed the following –

3.1. Pending Part B of the application, Standard Bank is interdicted from appointing the Third Respondent as a signatory.

3.2. Standard Bank to release R1,5 million paid by Highlande to Riydoo Investments, held at Standard Bank.

4. Upon a reconsideration of the order granted by Adams J on 2 May 2025, I stayed that order pending the outcome of the hearing set down for 10:00 on 6 May 2025. The matter was heard by me on 6 May 2025.

5. There are numerous allegations, denials and counter-allegations in the affidavits filed by the parties. For purposes of this judgment, it is not necessary for me to go into any detail regarding the facts. Nevertheless, for context, the issues concern who the directors are of Highlande and who is the owner – sole shareholder – of Highlande.

6. The Second Applicant states that the Third Respondent was appointed director of Highlande, effective from 12 April 2019, but resigned on 27 May 2024. He states that subsequent to the Third Respondent's resignation, he, the Second Applicant, was appointed as the sole director of Highlande with effect from 27 May 2024.

7. The Second Applicant alleges that the Third Respondent was fraudulently appointed as a director of Highlande on 25 April 2025.

8. The Third Respondent states that she is married to one Nelson Dias Mateus ("Mateus"). She states that Mateus is now, and has always been the sole shareholder of Highlande. She has an entire narrative explaining why this is the case. She states that by agreement with the Second Applicant, he was appointed a director but it was made clear that he was a director in name only and that an arrangement was put in place purely to meet Standard Bank's policy requirements of operating an account with a local director. Mateus is an Angolan national.

9. Thus, declarators are sought concerning directorships and ownership of Highlande.

10. At the commencement of the hearing, counsel for the Third Respondent, Mr Boshomane, raised a point *in limine*, namely that this Court does not have jurisdiction to hear the matter. Counsel for the Applicants, Mr Matimbi, disputed this and argued that the Court does indeed have jurisdiction. I directed that the point *in limine* be argued first. It was clearly necessary to deal with the question of jurisdiction before urgency.

11. The general rule with regard to the bringing of actions is the principle of *actor sequitur forum rei*. In terms of this principle, the Plaintiff ascertains where the Defendant resides, goes to his forum and serves him with the summons there. See *Sciacero & Co v Central SA Railways 1910 TS 119 at 121*. The principle applies equally to motion proceedings. Section 19(1)(a) of the Supreme Court Act 59 of 1959 gives effect to this principle, providing that:

“A provincial or local division shall have jurisdiction over all persons residing or being in... its area of jurisdiction.”

12. The Applicant attached various certificates from the Companies and Intellectual Property Commission. Annexure AE1 records the address of Highlande as [...] S[...] G[...] Street, 7[...] F[...], A[...], Cape Town, Western Cape.

13. Annexure AE2 records the address of the Third Respondent at the same address in Cape Town.

14. The founding papers describe the Second Respondent as a Business Banker of L[...] R[...] Street, N1 City, Cape Town.

15. The address provided for Standard Bank is [...] S[...] Street, S[...], Johannesburg, Gauteng, at which branch the Highlande account is held.

16. The Second Applicant's address is recorded in Annexure AE1 as 3[...] L[...] Street, Cape Town, Western Cape. In the founding papers, the Second Applicant states however that he resides at 4[...] L[...] Street, E[...] G[...], Midrand, Gauteng Province.

17. The Third Respondent disputes that the Second Applicant resides in the jurisdiction of this Court. It not necessary for me to resolve this dispute of fact. In summary, therefore –

17.1. Highlande's address is in Cape Town.

17.2. The address of the Second Respondent and the Third Respondent is in Cape Town.

18. The interdictory relief sought in Part A of the application is against Standard Bank, the First Respondent, which is within the area of jurisdiction of this Court. However, relief is also sought against the Second Respondent who resides in Cape Town.

19. Jurisdiction cannot be considered with regard only to Part A of the application. The Court cannot be seized of jurisdiction for Part A but not for Part B. It is one and the same application. I have already listed the relief sought in Part B. This relief concerns declaratory orders against the Third Respondent and that the Second Applicant is the duly appointed director of Highlande, owning 100% of the shares; further that he is the duly appointed signatory on the bank account.

20. Highlande's address is at its office in Cape Town; the Second and Third Respondents also reside in Cape Town. There is no evidence that the whole cause of action arose within the jurisdiction of this Court. Whilst there are allegations of fraud made against the Third Respondent, there is no evidence that the alleged fraud was committed within the area of jurisdiction of this Court.

21. Furthermore, there is no basis upon which the Court would have jurisdiction over the Second Respondent. Clearly, the Court having jurisdiction is the Western Cape High Court.

22. I find that this Court does not have jurisdiction to hear this matter and the point *in limine* is therefore upheld.

23. The application is dismissed with costs on Scale C.

EPSTEIN AJ
ACTING JUDGE OF THE HIGH COURT
JOHANNESBURG