



Reportable:	Yes/No
Circulate to Judges:	Yes/No
Circulate to Magistrates:	Yes/No

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

Case No.: 3317/2024
Date heard: 21-02-2025
Date delivered: 31-10-2025

In the matter between:

O 2 BOERDERY	1st Applicant
JOHANNES HENDRIK SNYMAN (SNR) N. O	2nd Applicant
JOHANNES HENDRIK SNYMAN (JNR) N.O	3rd Applicant
JOHANNES LODEWIKUS VAN DER LINDE N. O	4th Applicant
and	
JACQUES DU TOIT N. O	1st Respondent
LAND AND AGRICULTURAL DEVELOPMENT BANK OF SOUTH AFRICA	2nd Respondent
MASTER OF THE NORTHERN CAPE HIGH COURT, KIMBERLEY	3rd Respondent
INTERESTED PARTIES	4th Respondent
WILLEM VENTER SNYMAN N. O	1st Interested Party
WILLEM VENTER SNYMAN N. O	2nd Interested Party
ANDRE HEYNS N. O (IN THEIR CAPACITY AS THE DULY APPOINTED TRUSTEES OF THE WILLIE SNYMAN TRUSTS (IT70/2008(K))	3rd Interested Party
FREDERIK PIETER MATTHEUS SNYMAN N. O	4th Interested Party
ENGELA WILHELMINA LIEBENBERG N. O	5th Interested Party

MARIA CATHARINA VIVIER N. O
(IN THEIR CAPACITY AS THE DULY
APPOINTED TRUSTEES OF THE FREEK SNYMAN TRUST
(IT69/2008 (K))

6th Interested Party

ABRAHAM ADRIAAN SNYMAN N. O

7th Interested Party

MARIA CATHARINA VIVIER N. O

8th Interested Party

NEDBANK

9th Interested Party

GRIEKWALAND WES KORPORATIEF LTD

Intervening Party

CORAM: WILLIAMS J

JUDGMENT

WILLIAMS J:

1. The applicants have brought an application on a semi-urgent basis for *inter alia* the following relief:
 - (a) That the business rescue proceedings of Doornhoek Plase (Pty) Ltd be stayed pending finalisation of the action issued by the applicants under case no 2884/2024;
 - (b) That the first respondent be interdicted from transferring the immovable properties of Doornhoek Plase (Pty) Ltd, pending finalisation of the above-mentioned action; and
 - (c) That the second respondent and any other party opposing the application pay the costs of the application jointly and severally, the one paying the other to be absolved.

Background

2. On 2 February 2024, Doornhoek Plase (Pty) Ltd ("*Doornhoek*") was placed in business rescue by order of court. This came after the second and third applicants, who are herein cited as trustees of the Johan

Snyman Trust (the minority shareholder), brought an application for the liquidation of Doornhoek in their personal capacities. The remaining shareholders of Doornhoek launched a counter-application for Doornhoek to be placed in business rescue. By agreement between these parties Doornhoek was then placed in business rescue.

3. The Johan Snyman Trust is a 28% shareholder of Doornhoek and the second to fourth applicants are trustees of the Trust, cited in their capacities as such.
4. O2 Boerdery (Pty) Ltd, the first applicant is a tenant of the Doornhoek properties.
5. On 17 July 2024 the first respondent, as duly appointed Business Rescue Practitioner (BRP) of Doornhoek submitted a business rescue plan which was accepted and duly adopted by the majority of proven creditors, including the second respondent, Land Bank.
6. The business rescue plan envisaged *inter alia* the sale of the immovable properties of Doornhoek to settle its debts.
7. The applicants contend that it had come to their attention during October, 2024 that several debtors of Land Bank have disputed the cession of claims to Land Bank as a result of which the applicants obtained legal advice regarding the cession by Griekwaland Wes Korporatief Limited (GWK) of its rights against Doornhoek to Land Bank.
8. The legal advice obtained informed that on a proper interpretation of the sale agreement and service level agreement between Land Bank and GWK, these agreements do not support Land Bank's claim that a cession of rights from GWK did in fact occur in that a cession of security without the underlying debt has the effect that the security is not enforceable and stands to be set aside. The result being that Land Bank cannot enforce the securities against Doornhoek and does not have the necessary *locus standi* to claim the debt from Doornhoek.

9. Without the Land Bank debt, Doornhoek would no longer be in financial distress and would suffer irreparable harm should the business rescue proceedings not be stayed, pending the finalisation of an action to determine whether indeed Land Bank is a creditor of Doornhoek.
10. It is contended that Nedbank, the only other major creditor of Doornhoek, would suffer no prejudice should the business rescue proceedings be stayed, since the first applicant (O2 Boerdery) is in a position to pay an amount equal to the instalment that is due and payable to Nedbank, pending the finalisation of the actions.
11. The applicants allege that they have no other satisfactory remedy other than that sought herein and that the balance of convenience favour them as shareholders of Doornhoek who have a *prima facie* right that its assets not be sold in circumstances where they have convincing proof that Land Bank is not a creditor of Doornhoek.
12. Land Bank, Nedbank and the 1st to 8th interested parties all oppose the application. GWK has brought an application to intervene and oppose the application.
13. The opposition to the application overlaps as far as the various respondents are concerned and includes points *in limine* such as urgency, and *locus standi* in addition to opposition on the merits. I deal firstly however with GWK's application to intervene.

GWK's application to intervene

14. GWK has sought leave to intervene on the basis that it has a direct and substantial interest in the application. The averment is underpinned by the fact that O2 Boerdery and Doornhoek were co-principal debtors of GWK, which debts both GWK and Land Bank are *ad idem* had been ceded to Land Bank at a stage when the indebtedness towards GWK remained unpaid. The intended action by the applicants, in which GWK and Land Bank are cited as defendants, seek not only a declaratory order that Land Bank has no *locus standi* to claim the amount "*allegedly*"

indebted to Land Bank but also an order that the first covering mortgage bond in favour of GWK (which has been ceded to Land Bank) be cancelled and set aside, without any basis being laid for such relief. Should this main application succeed GWK would be drawn into a trial in which the applicants, as plaintiffs in the action, have no prospects of success neither the means to satisfy any adverse cost order against them.

15. The application to intervene is opposed by the applicants on the basis that GWK has no *locus standi* since on its own version, it is not the holder of any right, title and interest in the debts of Doornhoek. GWK's application for condonation for the late filing of this application to intervene is opposed on the above basis as well as on the basis of an inadequate explanation for the delay.
16. I deal first with the application for condonation. In this regard, the Rules make no provision for time periods within which to intervene. Rule 12 specifically states that a party may apply at any stage of the proceedings for leave to intervene, provided notice has been given.
17. In this instance the application to intervene was served on the cited parties on 28 January 2025, three days before the main application was set down for hearing. GWK in its founding affidavit in the application to intervene explained that it had not been served with the main application, not being a party to the proceedings, but had been informed thereof by Land Bank's attorney on 8 January 2025. GWK's senior legal advisor was on annual leave at the time and was only able to attend to the matter on her return to office on 16 January 2025 whereafter she gave instructions to GWK's attorney to intervene in the main application. In the meantime GWK had to file its plea in the action as well.
18. I am satisfied that sufficient explanation for the delay has been given. As far as the merits of the application to intervene are concerned, it was held in *Peermont Global (KZN) (PTY) Ltd v Afrisun KZN (Pty) Ltd t/a Sibaya Casino and Entertainment Kingdom* [2020] 4 All SA 226 (KZN) at paragraph 18 thereof that:

[18] The rule is equally applicable to applications. It has not overridden or replaced our common law, which remains applicable to interventions. Our courts have held that a party is entitled to intervene as an applicant in an application where:

[18.1] it has a direct and substantial interest in the right that is the subject matter of the application, which could be prejudiced by the judgment of the court. The interest must be such that the intervenor's joinder is either necessary or convenient. But the possibility that a legal interest exists is sufficient, and it is not necessary for the court positively to determine that it exists;

[18.2] the allegations made by the intervening applicant constitute a prima face case or defence. It is, however, not necessary for the intervenor to satisfy the court that it will succeed in its case or defence. It is sufficient for the party seeking to intervene to rely on allegations which if they can be proved in the main application, would entitle it to succeed. In assessing the intervenor's standing, then, the court must assume that the allegations it advances are true and correct; and

[18.3] the application is made seriously and is not frivolous"

19. Whilst it may be so that on its own version GWK is not a creditor of Doornhoek, in that it ceded its rights and title in the debt to Land Bank, the main purpose of the main application and the subsequent action is to invalidate Land Bank as cessionary. The debt however remains unpaid and should the applicants be successful in the application and action, GWK who would again be burdened with the collection of the debt would be prejudiced in that the security already ceded to Land Bank remains so ceded until set aside in terms of the applicants particulars of claim and GWK would thus not be able to execute against its security until finalisation of the action.
20. Mr Janse Van Rensburg for the applicants contended that such an outcome would be countered by the applicants on the basis of estoppel, but such an eventuality is in my view best left for future determination. At present I am satisfied that GWK has shown a direct and substantial interest in the subject matter of the application or at the very least a legal

interest and should be allowed to intervene. The application to intervene is thus allowed.

Condonation

21. The respondent and interested parties who have opposed the application have all filed their opposing papers later than 6 January 2025 as required by the applicants. Given the timing of the launch of the application over the December/January holiday period and seeing that there was no prejudice occasioned by such late filing, it is condoned in respect of all opposing parties.

Opposition to the application

Urgency

22. The respondents and other opposing parties have taken the point that this application was not urgent or if there was any urgency it was of the applicants' own making. The amended business rescue plan had been adopted by the majority of creditors on 17 July 2024, since which date the applicants were aware of Land Bank's claim and that the immovable assets of Doornhoek would be sold as part of the plan. The applicants allege that they became aware during October 2024 that the cession of the debt by GWK to Land Bank can be challenged. The applicants issued the summons referred to herein for a declaratory order that Land Bank lacks the necessary *locus standi* to claim the debt from the applicants and/or Doornhoek and for the cancellation of the mortgage bond during November 2024, but delayed to launch this application until 12 December 2024, at the end of the court term and the beginning of the holiday season.
23. The applicants contend that the sale of the property was tabled to be voted upon at a special meeting held on 4 December 2024. Their attorney of record was instructed to vote against the acceptance of the offer on their behalf, but was outvoted by the majority of creditors who voted to accept the offer and resolved that the business rescue process

should not be suspended pending the finalisation of the action instituted by the applicants.

24. This application was launched 8 days later, on 13 December 2024. The applicants contend that they would not be afforded substantial redress at a hearing in due course, when the sale of the property would be unnecessary if the applicants are successful in expunging Land Bank's claim and Doornhoek would be returned to a successful income generating enterprise.
25. In terms of the Notice of Motion, opposing papers had to be filed by 6 January 2025 and though such time limit, especially over the festive season was not feasible for most, if not all the respondents and interested parties, all the opposing affidavits were delivered in time for the applicants to file a replying affidavit. The matter was postponed on 31 January 2025 however for the hearing of the application to intervene and the main application.
26. The application was not brought with the utmost urgency, but on a semi-urgent basis. I must also mention, that the applicants' attorney had sent a letter to the business rescue practitioner, dated 18 November 2024, wherein the Land Bank claim was queried and a request was made that the BRP investigate the query and undertake not to proceed with the sale of the property until the finalisation of such an investigation. Applicants, in their founding affidavit averred that no response had been forthcoming from the BRP after which the application was launched.
27. In the circumstances I am not of the view that the urgency was of the applicants' own making. Save for the fact of the intervening holidays, which caused some inconvenience, the deviation from the normal time periods for the filing of papers is not disproportionate to the urgency of the matter. I would therefore not dismiss the application on this ground only.

Locus standi of the applicants and the related provisions of the Companies Act, 71 of 2008 (the Act)

28. The *locus standi* of the first applicant, O2 Boerdery, was not addressed in the founding affidavit. Only after this point was taken in the opposing papers did the applicants in reply aver that O2 Boerdery is the tenant on the immovably properties and that it has made certain improvements to the properties and is thus also a creditor of Doornhoek.
29. The argument is that it is impermissible for the applicants to make the necessary averment regarding *locus standi* in the replying affidavit and even if permitted, being a tenant of a company in business rescue does not clothe a party with *locus standi* to litigate on behalf of the company. The claim for improvements which O2 Boerdery ostensibly has, has only been submitted to the BRP on 12 December 2025, coincidentally the same day the application was launched. This claim has not been as yet been approved by the BRP.
30. It is trite that appropriate allegations to establish the *locus standi* of an applicant should be made in the founding affidavit and not in reply. The court however has a discretion to allow new matter in a replying affidavit in exceptional cases particular regard should be had to whether the new matter was known to the applicant when the application was launched and whether allowing such new matter would be prejudicial to the respondents.
31. No reason whatsoever has been given for the belated attempt by the first applicant to establish *locus standi* in the replying affidavit. The claim which is attached to the replying papers appear to be based on improvements done before 2018 and appear to have been connected to some other transaction around that period. The BRP is best suited to decide thereon, but the point made is that it is an old claim.
32. Allowing the first applicant to prove its *locus standi* in the replying affidavit would be highly prejudicial to all the respondents, who have not had the opportunity to file further affidavits in respect thereof.

33. In any event as a tenant, O2 Boerdery can possibly be subject to s 136(2) of the Act which allows a business rescue practitioner to entirely, partially or conditionally suspend, for the duration of the business rescue proceedings any obligations of the company that arise under an agreement the company was party to at the commencement of business rescue proceedings and would otherwise become due during the proceedings. The BRP may also apply urgently to court to have any obligation in terms of such an agreement entirely, partially or conditionally cancelled. The party to an agreement that has been suspended or cancelled may in terms of s 136 (3) assert against the company **only** a claim for damages.
34. It would appear from the above that a tenant would have no authority to interfere in the business rescue proceedings and that O2 Boerdery's only redress would be to claim damages from Doornhoek if such can be shown to have been caused as a result of the suspension or cancellation of the contract with Doornhoek.
35. As "*creditor*", the first applicant is bounded by the decision of the majority of creditors to approve and adopt the business rescue plan. In terms of s 15(2)(4)(c) such business rescue plan is binding on creditors whether or not they had proven their claims against the company.
36. There are therefore no compelling reasons or exceptional circumstances for allowing the first applicant to remedy its lack of allegations as to its *locus standi* in the replying affidavit. The first applicant has therefore failed to show its *locus standi* to bring this application.
37. As far as shareholders are concerned, in business rescue proceedings, the scope of their participation is found in s 146 of the Act, which entitles a shareholder to:

"146. . . . (a) notice of each court proceeding, decision, meeting or other relevant event concerning the business rescue proceedings; (b) participate in any court proceedings arising during the business rescue proceedings; (c) formally participate in a company's business rescue proceedings to the extent provided for in this Chapter; (d) vote to

approve or reject a proposed business rescue plan in the manner contemplated in section 152, if the plan would alter the rights associated with the class of securities held by that person; and (e) if the business rescue plan is rejected, to— (i) propose the development of an alternative plan, in the manner contemplated in section 153; or (ii) present an offer to acquire the interests of any or all of the creditors or other holders of the company's securities in the manner contemplated in section 153."

38. The argument by the respondents is that the second to fourth applicants are not seeking to enforce the above-mentioned rights. Furthermore s 151(4) of the Act makes it clear that a business rescue plan which has been adopted is binding on the company, its creditors and shareholders, whether or not such person was present at the meeting. In addition the general moratorium on legal proceedings against a company or in relation to its property (s 133) during business rescue proceedings disentitle the shareholders from bringing an application such as in *casu*.
39. Mr Janse Van Rensburg has referred to the matters of *Moodley v Digital Media (Pty) Ltd and Others* 2014(6) SA 279 (GJ) and *Limbouris and Others vs Du Toit NO and Others* [2024] 4 All SA 562 (WCC), in support of the minority shareholder's contention that it does have the necessary *locus standi* to bring the application and that no leave is required in terms of s 133 before bringing the application.
40. In the *Moodley* matter, a minority shareholder sought leave from the court to proceed with an application against the company in business rescue and its business rescue practitioner in terms whereof declaratory relief was sought that certain transactions were not in accordance with the adopted business rescue plan, and for the company and the business rescue practitioner to be interdicted from implementing the transactions consisting of a share buy-back, issue of new shares, adoption of a new memorandum and a draft subscription agreement. The court held that such proceedings are legal proceedings against the business rescue practitioner and the company in business rescue in connection with the business rescue plan and were not proceedings against the company or property belonging to the company or lawfully in

its possession in terms of s 133. The minority shareholder therefore did not require leave from the court to institute the legal proceedings.

41. In *Limbouris*, creditors of the company in business rescue applied for leave to the court to interdict the business rescue practitioner from filing a notice of substantial implementation of the adopted business rescue plan pending final determination of an action to be instituted for the setting aside of the business rescue plan. The court *inter alia*, following the reasoning in the *Moodley* matter, found that the setting aside of the business rescue plan was a proceeding pertaining to the development, adoption and implementation of a business rescue plan and did not require leave of the court in terms of s 133.
42. The present application is not as clear cut as the above-mentioned. It does not only pertain to issues in connection with the business rescue plan (its suspension) but also to the property of the company by seeking an interdict against the sale of the property. S 133(1) of the Act is clear in this regard and provides *inter alia* that “During business rescue proceedings, no legal proceedings . . . against the company or in relation to any property belonging to the company, or lawfully in its possession, may be commenced or proceeded with any form, except.
 - (a) With the written consent of the practitioner;
 - (b) With the leave of the court and in accordance with any terms the court considers sustainable. . . .”
43. I am of the view that this application is one which falls within the moratorium against legal proceedings created in s 133 and that the second to fourth applicants require leave from the court to bring these proceedings and are therefore not properly before court.
44. Even if I am wrong in this regard, the minority shareholder for all intents and purposes is bringing this application in the interest of and on behalf of Doornhoek. This much is obvious from the allegations in the founding affidavit *inter alia* that:

“In the event that the Land Bank’s claim is expunged, Doornhoek Plase is no longer in financial distress, and should the business rescue proceedings be uplifted.”

“Doornhoek Plase will suffer irreparable harm if the business rescue proceedings are allowed to continue, under circumstances where the only valuable asset of Doornhoek Plase is sold, to pay a non existing creditor, Land Bank.” and

‘The Sale of the property would be unnecessary if the applicants are successful in expunging the Land Bank claim and Doornhoek Plase can be returned to a successful income generating business.’

45. S 165 of the Act makes provision for a statutory derivative action to commence or continue legal proceedings on behalf of a company and abolishes any right at common law of a person other than the company, to bring legal proceedings on behalf of the company and substitutes the right at common law to bring a derivative action.
46. The minority shareholder has however not resorted to s165 nor complied with those provisions in bringing this application. It also does not rely on s 163 of the Act which entitles shareholders to apply to court for relief from oppressive or prejudicial conduct or from abuse of the separate juristic personality of the company.
47. For the sake of completeness, should I be wrong and the minority shareholder does have *locus standi* to bring this application, within the purview of Chapter 6 of the Act relating to business rescue proceedings, I now turn to the case for the applicants.

The case for the applicants

48. The applicants contend that in the event Land Bank’s claim is expunged, Doornhoek would no longer be in financial distress and the business rescue proceedings can be uplifted.
49. This proposition does not take into account that Land Bank’s claim is for an amount of R4. 8 million whereas the total creditors’ claims amount to R12. 8 million. Even in the event that Land Bank’s claim is expunged, Doornhoek will still be left with debts of some R8 million, which the applicants do not address save for the Nedbank claim. In this regard the applicants state that the first applicant (O 2 Boerdery) would be in a

position to pay an amount equal to the instalment that is due and payable to Nedbank pending the finalisation of the action.

50. Nedbank obtained default judgment against Doornhoek and an affiliate, Hans Kanon Boerdery for payment in the amount of R850,532 plus interest and costs on 8 January 2021. The judgment debt was not satisfied and Nedbank then brought an application in terms of Rule 46A against Doornhoek, declaring the immovable property of Doornhoek especially executable. This application was opposed by Doornhoek, which also filed a counter-application in which was requested, as alternative relief, that it be placed in business rescue. Nedbank agreed to the business rescue proposal and the Rule 46A application was then postponed *sine die* on 29 September 2023. Nedbank's total claim now stands at R1. 19 million.
51. Nedbank has a preferential claim against Doornhoek and state in its affidavit that it has been actively involved in the business rescue proceedings. It has voted in favour of the business rescue plan to sell the immovable properties of Doornhoek and is not content to be paid in instalments as proposed by the applicants when the full outstanding debt is due and payable.
52. At the meeting where the majority of creditors voted in favour of the sale of the immovable properties for an amount of R16 million, the proposal by the minority shareholder that the sale be stopped pending the finalisation of the action, was raised and voted against.
Nedbank's attorney, Ms Snyders, proposed that the amount of the disputed claim of Land Bank be held in trust after the sale of the properties in order for the approved business rescue plan to be implemented. The majority of creditors adopted this proposal.
53. Land Bank and GWK maintain that the cession of the mortgage bond by GWK pursuant to the cession of rights from GWK to Land Bank was validly and legally done. GWK has attached to its affidavit its plea to the applicant's particulars of claim in the action, which incorporates a cession agreement entered into between itself and Land Bank before the

sale agreement and service level agreement which the applicants have taken umbrage to and which GWK states supplements the two later agreements. Therefore according to GWK, even if the applicants are correct, which it denies, that a cession did not take place in the sale agreement and service level agreement, the cession agreement stands and all the conditions therein have been met.

54. I do not intend to opine on the merits of the applicants' assertion of the invalidity of the cession from GWK to Land Bank. I do not consider it necessary in determining whether the applicants have made out a case for the relief sought and it should best be left to be determined in the action.
55. What is of importance to consider in this application is that the "*expunging*" of Land Bank's claim would not automatically absolve Doornhoek from its debt. The judgment debt remains unpaid and whether it is claimed by Land Bank or GWK makes no difference to Doornhoek's financial position.

Conclusion

56. In my view the applicants have failed to make out a *prima facie* case for the relief sought.
57. The applicants have also failed to show that it would suffer irreparable harm should the interim relief not be granted.
58. Mr Janse Van Rensburg argued that the balance of convenience favours the applicants in that they have an interest in the business rescue proceedings to ensure that claims which are not valid are not entertained. This argument is however catered for in the proposal accepted by the majority of creditors that the portion of the proceedings of the sale of the property which would have gone to LandBank be held in trust pending the outcome of the action.

The balance of convenience does not favour the applicants at all. The majority creditors have voted in favour of the sale of the properties and the majority shareholder (represented by 1st to 8th interested parties) are

in favour of the sale. The applicants have not shown that there is any other way of paying the debts of Doornhoek other than selling the properties. The action instituted by the applicants can take years to finalise and in the meantime interest accrues on the outstanding debts. In any event business rescue proceedings are not meant to last for an indeterminate time period. The relief sought may very well have the effect that the business rescue order be susceptible to being set aside by order of court, which could result in liquidation proceedings against Doornhoek or Nedbank proceeding with its Rule 46A application.

59. As far as the prospects of success in the action is concerned, the opposing parties have correctly argued that even if the cession between GWK and Land Bank is found to be invalid, the applicants have not shown any basis in law why the mortgage bond which is security for the debt, which still remains unpaid, would be cancelled and set aside.

60. The applicants have failed to make out a case for the relief sought and all that remains is the issue of the costs of the application.

Costs

61. There is no reason why costs should not follow the result. The issue is only, on which scale? and who should bear the costs of the postponement on 31 January 2025.

62. The scale of costs contended for by the opposing counsel was for costs on the attorney client, scale alternatively costs on Scale C.

63. I am of the view that attorney client costs are not appropriate in this instance. Whereas the applicants may have been ill advised to bring this application, I cannot find that the application was in any way vexatious or malicious. Scale C is reserved for complicated matters. In this matter, the papers were bulky and it had to be attended to in a short space of time. The issues were not simple or common place. I am of the opinion that costs on scale C would be appropriate.

64. As far as the postponement on 31 January 2025 is concerned, it is so that GWK was obliged to intervene after the applicants had failed to give it notice of the application. I have found that GWK has a direct and substantial interest in the subject matter of the application. The fact that their intervention was the cause of the postponement on 31 January cannot be laid solely at their door.
65. The wasted costs occasioned by the postponement should however in my view be borne on the party and party scale.

The following order is made:

- a) The application is dismissed with costs on Scale C.**
- b) The wasted costs occasioned by the postponed on 31 January 2025 are to be borne by the applicants on the party and party scale.**


 CC WILLIAMS
 JUDGE

For Applicants:

Adv Janse Van Rensburg
 PGMO Attorneys

For 2nd Respondent:

Adv A Van der Merwe
 Van de Wall Inc

For 1st to 8th Interested parties:

Adv Heystek SC
 Van de Wall Inc

For the 9th Interested party (Nedbank):

Adv Rautenbach
 Engelsman Magabane Inc

For Intervening Party:

Adv Gilliland
 Van de Wall Inc