IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 099948/23

(1) REPORTABLE:

(2) OF INTEREST TO OTHER JUDGES:

(3) REVISED.

DATE: 07/11/2025

SIGNATURE

In the matter between:

PLUS 94 RESEARCH (PTY) LIMITED Applicant

And

N[...] U[...] First Respondent

(ID NO: 7[...])

N[...] U[...] Second Respondent

(ID NO. 7[...])

(In her capacity as legal guardian of the minor child,

D[...] M[...] U[...])

T[...] M[...] R[...] K[...] Third Respondent

(ID NO: 9[...])

THE STANDARD BANK OF SOUTH AFRICA LIMITED Fourth Respondent

THE REGISTRAR OF DEEDS, PRETORIA Fifth Respondent

JUDGMENT

MBONGWE, J:

INTRODUCTION

[1] This matter comes before the Court on the return day of an interim order granted on 10 October 2023, pursuant to an *ex parte* application the Applicant had brought in the Urgent Court.

THE PARTIES

[2] The Applicant is the erstwhile employer of the First Respondent.

[3] The First Respondent is sued in her personal capacity as the erstwhile employee of the Applicant and as the Third Respondent, in her capacity as the legal guardian of the minor child, D[...] M[...] U[...], in whose name the First Respondent has registered the property she had bought using the funds she unlawfully syphoned from the Applicant.

[4] The Fourth Respondent is cited herein as one of the suppliers of the Applicant who participated and acted in cahoots with the First Respondent in defrauding the Applicant. No relief is sought against the Fourth Respondent.

[5] The Fifth Respondent is cited for the reason that it is the authority that registered immovable referred to in para 3.

[6] The interim order referred to in para 1, supra, froze the First Respondent's bank account held with Standard Bank and directed the bank to furnish the Applicant with bank statements for a specified period. The order was sought in the context of serious evidence that the First Respondent was unlawfully perpetrating fraud against the Applicant and syphoning money from it.

[7] The Applicant alleged that the Respondent had caused the payment of inflated invoices to certain suppliers, who, upon receipt of payment, transferred

substantial sums into the Respondent’s personal account. The interim relief was sought to preserve the funds and facilitate investigation.

[8] Following the granting of the interim order and the receipt of the First Respondent’s bank statements, the Applicant discovered that an amount in excess of R8 million had been paid into the Respondent’s account by the Applicant’s suppliers as either kickbacks or the inflated portion of the supplier’s invoice.

[9] The Applicant thereafter instituted action proceedings against the First Respondent to recover the funds, culminating in the Applicant obtaining a summary judgment order. An order for the sequestration of the First Respondent’s estate was also obtained prior to the return date, which had been extended a few times before the matter before me on 22 April 2025 for confirmation of the interim order.

[10] The Respondent opposed the confirmation of the interim order, raising issues that appear to relate to the summary judgment already granted. These objections are misplaced. The summary judgment has conclusively determined the Respondent’s liability and is not subject to reconsideration in these proceedings.

[11] The confirmation of the interim order is not moot or academic. Although the principal relief has been adjudicated, the interim order reserved costs, and its confirmation remains necessary to regularise the procedural history and to enable the Applicant to seek those costs. In *MEC for Economic Development, Gauteng and Another v Vilakazi and Others*[1], the Supreme Court of Appeal emphasised that interim orders serve a functional purpose and may require confirmation even after final relief has been granted.

[12] In the present matter, the interim order served its intended purpose: it preserved the *status quo*, enabled the Applicant to obtain critical financial

[1] (783/2023) [2024] ZASCA 126.

records that supported the recovery of misappropriated funds. There is no legal or factual basis to discharge it.

ORDER

[13] I, therefore, make the following order:

1. The interim order granted by this Court on 10 October 2023 is hereby confirmed.
2. The Respondent is ordered to pay the costs of this application, including the costs reserved in the interim order.

MPN MBONGWE

JUDGE OF THE HIGH COURT

GAUTENG DIVISION, PRETORIA

APPEARANCES

For the Applicant:	Adv M Barnard
Instructed by:	Dixon Attorneys
For the 1st and 2nd Respondents:	Mr N Voyi
Instructed by:	Ndumiso Voyi Incorporated
Date of hearing:	24 April 2025
Date of judgment:	07 November 2025