



**IN THE HIGH COURT OF SOUTH AFRICA**  
**(GAUTENG DIVISION, PRETORIA)**

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES/NO

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

(3) REVISED

DATE: 20 March 2026

SIGNATURE: [REDACTED]

Case No. 098869/2023

In the matter between:

**SAVE THE MAIZE BELT SOCIETY**

**FIRST APPLICANT**

**OMAR, ZEHIR**

**SECOND APPLICANT**

**OMAR, YASMIN**

**THIRD APPLICANT**

**OMAR, SULAIMAN**

**FOURTH APPLICANT**

**MAHLANGU, MOHAMED**

**FIFTH APPLICANT**

**MLOMBO, CONSTANCE**

**SIXTH APPLICANT**

**MAHOLWANA, FLORENCE**

**SEVENTH APPLICANT**

And

DIALSTAT TRADING 115 (PTY) LTD

RESPONDENT

In re:

DIALSTAT TRADING 115 (PTY) LTD

APPLICANT

And

SAVE THE MAIZE BELT SOCIETY

FIRST RESPONDENT

OMAR, ZEHIR

SECOND RESPONDENT

OMAR, YASMIN

THIRD RESPONDENT

OMAR, ABU BAKR

FOURTH RESPONDENT

OMAR, EBRAHIM

FIFTH RESPONDENT

OMAR, SULAIMAN

SIXTH RESPONDENT

MAHLANGU, MOHAMED

SEVENTH RESPONDENT

MAHLANGU, WILLIAM

EIGHTH RESPONDENT

MLOMBO, CONSTANCE

NINTH RESPONDENT

MAHOLWANA, FLORENCE

TENTH RESPONDENT

VAN DER SCHYFF, SORAYA

ELEVENTH RESPONDENT

PREUSS, CLIVE

TWELFTH RESPONDENT

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*Coram:* Millar J

*Heard on:* 13 March 2026

*Delivered:* 20 March 2026 - This judgment was handed down electronically by circulation to the parties' representatives by email, by being uploaded to the *CaseLines* system of the GD and by release to SAFLII. The date and time for hand-down is deemed to be 10H30 on 20 March 2026.

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### ORDER

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**It is Ordered:**

- [1] The application for leave to appeal is dismissed.
- [2] The applicants (jointly and severally the one paying the others to be absolved) for the leave to appeal are ordered to pay the respondent's costs on the scale as between party and party which costs include the costs of counsel on scale C.

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### JUDGMENT

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**MILLAR J**

- [1] This is an application for leave to appeal against a judgment and order handed down by this Court on 20 January 2026, in terms whereof it was ordered *inter alia* that the first applicant for leave to appeal (Safe the Maize Belt Society), is not a *universitas personarum*.
- [2] When the main proceedings were initially instituted, all the respondents in those proceedings were represented by a single firm of attorneys. Shortly before the hearing of the main application, some of the respondents appointed a different set of attorneys to represent them and thus at the hearing of the main application, there were two legal teams representing the various respondents. The same has occurred again with the applications for leave to appeal. Instead of the applicants being represented by two sets of legal representatives, they are now represented by three. I mention this because what appears to have occurred in each instance, when a new set of legal representatives were added, so too were the defences in the main application and now in the application for leave to appeal, the grounds of appeal.
- [3] The main case turns on a straightforward issue. Does formal compliance with the requirements for the establishment of a *universitas personarum* clothe such *universitas personarum* with an eternally separate legal personality irrespective of and notwithstanding non-compliance with its own founding document? This Court found that it did not. The applicants for leave to appeal argue that it does and that once established and so clothed with the status, irrespective of whether it complies with the terms laid down by its founders for its very existence, it continues to exist forever more irrespective.
- [4] In the context of the present case, the respondent, Dialstat, has litigated extensively over the last 13 years against Save the Maize Belt Society. Where

Save the Maize Belt Society was successful and costs were ordered against Dialstat, it honoured its obligations. However, the same cannot be said for Save the Maize Belt Society and, as observed in the main judgment in paragraph [8], Save the Maize Belt Society, currently has outstanding costs orders against it which remain unsatisfied for R359 703.34.

- [5] Crucial and central to this aspect is the lack of property held by Save the Maize Belt Society against which claim could be made to satisfy these costs orders. It was argued for the applicants that even though it was a requirement for *universitas personarum* to be able to own property, it was not a requirement that it actually own such property.
- [6] It is this fine line over which the applicants wish to step to hide behind the shield of the *universitas personarum* in respect of costs orders made against it but in respect of which Dialstat must stand and bear the consequences without recourse.
- [7] The issue identified above is to my mind the crisp question that is to be decided in this application.
- [8] I have considered the applications for leave to appeal, the heads of argument filed by the respective parties, and the submissions advanced in Court in support of the granting of leave to appeal and in respect of its refusal.
- [9] I am of the view that the very purpose for which a *universitas personarum* is established and the circumstances under which the law allows private individuals to contract for the establishment of a separate legal entity can never be a weapon to emasculate a successful party from enforcing court orders in its favour.

- [10] A *universitas personarum* is designed to facilitate commonality of purpose and action by private individuals but not to provide them with a shield against the consequences of such actions.
- [11] For the reasons set out above, I am not persuaded that another Court would come to a different conclusion and in the circumstances, the application for leave to appeal must fail.
- [12] The costs will follow the result.
- [13] In the circumstances, it is ordered:
- [13.1] The application for leave to appeal is dismissed.
- [13.2] The applicants (jointly and severally the one paying the others to be absolved) for the leave to appeal are ordered to pay the respondent's costs on the scale as between party and party which costs include the costs of counsel on scale C.

  
A MILLAR  
JUDGE OF THE HIGH COURT  
GAUTENG DIVISION, PRETORIA

HEARD ON:

JUDGMENT DELIVERED ON:

13 MARCH 2026

20 MARCH 2026

**IN THE APPLICATION FOR LEAVE TO APPEAL**

COUNSEL FOR THE FIRST  
APPLICANT:

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THIRD & FOURTH APPLICANTS:

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MR. A VOS/MR. S LAHRI