



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

JUDGMENT

Case No.: **2025-021864**

In the matter between:

TRIPLE C MAINTENANCE AND SERVICE CC

Applicant

and

NAZAREEN NASIR (née ABASS)

First Respondent

(Identity Number: 7[...])

(unmarried)

ABSA BANK LIMITED

Second Respondent

(*In re* account number 9[...])

Neutral citation: *Triple C Maintenance and Service CC v Nazareen Nasir and 1 other* (Case no 2025/021864 [2026] ZAWCHC ... (26-03-2026)

Coram: WELGEMOED AJ

Heard: 12 & 17 March 2026

Delivered: 26 March 2026

Summary: Application for the final sequestration of the estate of the first Respondent, no evidence of repayment of debt. First Respondent *de facto* insolvent on her own version sufficient as its for creditors to receive a dividend.

ORDER

1. It is hereby ordered that the estate of Nazareen Nasir is hereby placed under final sequestration.
 2. The Rule nisi is confirmed
 3. Costs will be costs in the sequestration on Scale B.
 4. The Master of the High Court is directed to take all steps to give effect to this order.
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JUDGMENT

WELGEMOED AJ:

- [1] This is an application to place the First Respondent in final sequestration.
- [2] The matter now serves before me on the return date.
- [3] The legal principles to obtain a final sequestration order are trite. Once the requirements of section 12(1)(a) - (c) of the Insolvency Act 24 of 1936 are met, the Court retains a discretion whether to grant a final sequestration order.
- [4] The Applicant is a close corporation, duly acting through its owner/controlling mind/sole member, the First Respondent being his half-sister. The Applicant contends that the First Respondent is indebted to the Applicant in the sum of some R44 million. The First Respondent professed to be a chartered accountant (which in fact she is not). On the back of her misrepresentation, the Applicant utilised her services to manage his tax affairs. After being approached by SARS for non-compliance, the Applicant established that the First Respondent did not pay his

money to SARS. This is the debt that is the substratum for the application for final sequestration.

- [5] The indebtedness is denied by the First Respondent on the basis that she allegedly, repaid the sum of approximately R44 million to the Applicant.
- [6] The sum in dispute is currently frozen by the South African Police Services ("SAPS").
- [7] There is no evidence before the Court that there was any repayment of the alleged indebtedness. Counsel for the First Respondent indicated that the request to have insight of the bank accounts of the First Respondent was denied by SAPS, but conceded that it would, in any event, not reveal anything which would raise a dispute of fact.
- [8] It follows that in essence, no defence regarding the debt of R44 million is put up in the answering papers.
- [9] What is not in dispute is that the Commercial Crimes Unit froze some R10 million. This sum is made up of R6 million belonging to the Applicant and a further R4 million of the First Respondent's daughter.
- [10] On the First Respondent's own version, she is insolvent as she calculates her net asset value in the sum of R3.75 million. However, in the calculation of this sum, she includes the R4 million which belongs to her daughter and not herself. It follows that she is, on her own version, insolvent.
- [11] However, there are realisable assets which will be to the advantage of creditors.
- [12] In the absence of evidence in the Answering papers to the alleged repayment of the R44 million, the Court must accept the Applicant's version. In addition, the First Respondent's estate is on her own version insolvent.

[13] It is therefore clear that the First Respondent must be declared insolvent.

Order

[14] It is hereby ordered that the estate of Nazareen Nasir is hereby placed under final sequestration.

[15] The Rule nisi is confirmed.

[16] Costs will be costs in the sequestration on Scale B.

[17] The Master of the High Court is directed to take all steps to give effect to this order.

WELGEMOED AJ

ACTING JUSTICE OF THE HIGH COURT

Appearances:

For applicant: Adv. MA McChesney

Instructed by: Potgieter & Associates

For 1st respondent: Adv. R Appoles

Instructed by: Riley Incorporated

For 2nd respondent: Unknown