



IN THE COMPANIES TRIBUNAL OF THE REPUBLIC OF SOUTH AFRICA

CASE NO: CT02560ADJ2026

AL AASHIQEEN ISLAMIC TRUST

APPLICANT

and

MASJID AL AASHIQEEN NPC

RESPONDENT

Presiding Member:

Brian Jennings

Date of handing down of decision:

27 March 2026

DECISION

Introduction

- 1 The applicant is Al Aashiqeen Islamic Trust, registered under the Trust Property Control Act 57 of 1988 with registration number IT22961/2014(G).
- 2 The respondent is Masjid Al Aashiqeen NPC (registration number 2025/958363/08), a company incorporated in terms of the Companies Act and having its registered address at 21 Janet Street, Florida, Gauteng, 1709.
- 3 The applicant brought this application before the Tribunal through Form CTR 142 on 20 January 2026. Form CTR 142 and the corresponding founding affidavit appears from the documents I have to have been served electronically on the respondent's directors on 28 January 2026.
- 4 The applicant brought a default application to the Tribunal through Form CTR 145 on 2 March 2026.
- 5 Pursuant to the default application, the applicant raised that there was non-compliance with section 11(2) of the Companies Act and the applicant therefore seeks that the Tribunal grant a default order on the following terms:
 - 5.1 that the applicant's name objection is upheld;
 - 5.2 directing the respondent to change its name to one which does not incorporate or is not confusingly similar to "Masjid Al Aashiqeen" within a period determined by the Tribunal;
 - 5.3 directing the Companies and Intellectual Property Commission to substitute the respondent's registration number as its interim name should the respondent fail to comply within the prescribed period; and

5.4 granting further and/or alternative relief.

Service Defects

6 Insofar as default applications are concerned, it is imperative that the Tribunal be satisfied that proper service has occurred. In this regard, the applicant has not furnished me with any proof that the email addresses used to effect service on the directors of the respondent do in fact belong to the directors of the respondent. There is no evidence included in the papers in this regard.

7 When looking at Table CR 3 of the Companies Regulations, 2011, it is clear that documents may only be served by electronic mail if the person has an address for receiving electronic mail. It is therefore necessary to furnish evidence that the email addresses used to effect service on the respondent do in fact belong to the directors of the respondent.

8 In addition, the Applicant has in its prayers, requested that the Companies and Intellectual Property Commission take certain acts but has not cited the Companies and Intellectual Property Commission as a party to the application in Form CTR 142 and Form CTR 145. For what it is worth, had the Companies and Intellectual Property Commission been correctly cited as a second respondent, proof of service in relation to the Companies and Intellectual Property Commission would need to have been provided (of which there is no evidence in the submitted files).

- 9 The aforesaid defects unfortunately draw the following conclusions:
- 9.1 I am not satisfied based on the evidence in front of me, that service of the CTR 142 and accompanying documents on the respondent can be said to have occurred in terms of Table CR3 of the Companies Regulations. Had evidence been included of an alternative method of service or other evidence included which confirms how these email addresses were given by such persons, and that such persons are the directors of the respondent, I would have found differently.
- 9.2 Even assuming the above defect was not present, I would have been unable to make any order against the Companies and Intellectual Property Commission as it was not cited as a party nor was there service of the documents on it.

Section 11(2)(c) of the Companies Act

- 10 Having regard to the order sought by the applicant, section 11(2)(c)(i) of the Companies Act is clear that a company name must not falsely imply or suggest, or be such as would reasonably mislead a person to believe incorrectly, that the company – is part of, or associated with, any other person or entity.
- 11 The question is whether the applicant, being the trustees of a trust, is entitled to the protection afforded by section 11(2)(c)(i). “[e]ntity” is not defined in the Companies Act, but “person” is, and includes a juristic person. “[j]uristic person” is, in turn, defined to include a trust (irrespective of where it was established). As such, I see no reason why the applicant would not be

entitled to the protections afforded by section 11(2)(c)(i) of the Companies Act (had the aforesaid defects in service not be present).

- 12 I have also considered the evidence submitted and, again had the aforesaid defects in service not been present, I remark that it would have been sufficient to find cause in its favour.

Order

- 13 Accordingly, the following order is made:

13.1 the application is dismissed; and

13.2 the applicant is directed, if it so wishes, to refile a fresh application in which the aforesaid errors are corrected.

BRIAN JENNINGS
MEMBER OF THE COMPANIES TRIBUNAL