



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case no: CT/02727/ADJ/2026

In the matter between:

POLIMEDICS (PTY) LIMITED

Applicant

(Registration No 2025/929400/07)

And

POLTMEDICS DENTISTRY

1st Respondent

And

COMPANIES AND INTELLECTUAL PROPERTY

COMMISSION

2nd Respondent

Presiding Member of the Companies Tribunal: HLALELENI KATHLEEN DLEPU

Date of Decision: 20TH June 2026

DECISION and REASONS

1. INTRODUCTION

- 1.1. The applicant is Polimedics (Pty) Limited, a private company duly incorporated in accordance with the company laws of the Republic of South Africa with Registration Number 2025/929400/07 having its registered address at 262 Klitsgras Madeira Isles, Danville, Pretoria, Gauteng 0018.
- 1.2. The first respondent is Poltmedics Dentistry an unincorporated business entity owned and managed by two persons namely Lebogang Meshack Moloto and Dr Nene Sibongile Anne Makholane trading as such at 3487 Vundla Street ,KV Funeral Centre, Rockville, Soweto Gauteng.
- 1.3. The second respondent is the Companies and Intellectual Property Commission (CIPC) established by Section 185 of the Companies Act with its address at DTI Building, Block F, Meintjies Street, Sunnyside, Pretoria.

2. THE APPLICATION

- 2.1. The Applicant brought this application brought in terms of Section 160 of the Companies Act for an order as follows:
 - 2.1.1. That the First Respondent's company name, Polimedics Dentistry does not satisfy the requirements of Section 11 of the Companies Act and that the First Respondent be directed to choose a new name, as provided for in Section 160(3)(b)(ii) of the Companies Act, and,
 - 2.1.2. Granting alternative relief in the event that the First Respondent fails to comply with the Order as set out in 2.1.1 within a period of sixty days, two (2) months.
- 2.2. The Applicant has an interest in the name of the First Respondent within the meaning of Section 160(1) of the Act to file this Application to the Companies Tribunal. The Applicant's interest will appear from the facts which were initiated and documented by the Applicant in its affidavit in particular, the Applicants registered name in the CIPC.

3. THE BACKGROUND TO THE APPLICATION FOR JUDGEMENT BY DEFAULT

- 3.1. On the 1st February 2025 the Applicant had an intention to form a partnership with one of the owners of the 1st Respondent, Mr Lebogang Meshack Moloto however the partnership negotiations failed. The partnership negotiations discussions ceased and unbeknown to the sole director of the applicant, Mr Muvhango Tshedza Simeon, the first Respondents proceeded to trade under the name of “Polmedics” which is confusingly similar to the applicant’s name without the applicants consent and knowledge.
- 3.2. The applicant has lodged the application to formally object to the use of name Polmedics Dentistry by the First Respondent. The Applicant called on the First Respondents owners to desist to use the name of Polimedics in the social media platforms. and to undertake to change its name to one not including Polmedics name or any confusingly similar name.
- 3.3. Subsequent follow ups contacts with the First Respondents by WhatsApp yielded no positive response or results.
- 3.4. The documents provided to the Tribunal consist of CTR145, CTR142 and affidavits deposed to by the Applicants sole director Mr Muvhango Tshedza Simeon, the documents include a complaint addressed to the Health Professions Council of South Africa by the applicant’s director. The Form CTR145 in which he requests that the Tribunal adjudicate the name dispute and grant an order by default. The Applicant claims that he served both applications by email, however no email address was reflected on the documents supplied to the Tribunal addressed to the respondents except email addresses of the Health Professions Council of South Africa, the applicant does not explain the origin of the email used to notify the respondents of the applicants to the Tribunal.

4. COMPLIANCE WITH REGULATION 142

- 4.1. In terms of regulation 142(1) of the Regulations, a person may apply to the Companies Tribunal for an order in respect of any matter contemplated in the Act or the Regulations by completing and filing with the Companies Tribunal’s recording officer:
 - 4.1.1. An application Form CTR 142, and

4.1.2. A supporting affidavit settling out the facts on which the application is based

4.2. In terms of regulation 142(2) the applicant must serve a copy of the application and affidavit on each respondent named in the application, within 5 business days after filing it:

(a) Indicate the basis of the application, stating the section of the Act or the Regulations in terms of which the application is made and

(b) Depending on the context –(i)..:(ii) ..:or

(c) Indicate the order sought: and

(d) State the names and address of each person in respect of whom an order is sought”

5. COMPLIANCE WITH REGULATION 153

5.1. In terms of Regulation 153(1) If a person served with an initiating document has not filed a response within the prescribed period, the initiating party may apply to have the order, as applied for, issued against that person by the Tribunal.

5.2. On application in terms of sub-regulation (1), “The Tribunal may raise an appropriate order –(a) ...(b) if satisfied that the notice or application was adequately served.”

5.3. An important requirement of the Tribunal is that the set administrative procedure must be complied with in order to bring an application to the Tribunal. More importantly when a default order is sought in terms of Regulation 153 .The Tribunal ought not to grant such an order without satisfying itself that the applicant has done whatever is necessary with written proof to the Tribunal that effort was done to ensure that the respondent or person who will be affected by such an order was notified, failure of the affected person or respondent to respond is due to their own doing and that the procedure, as stipulated by the regulations has been complied with.

5.4. I am not satisfied that the Applicant has followed the procedure in terms of service of the application. Moreover, the e-mail the Applicant allegedly used does not appear anywhere in the documents submitted, nor do any dates of

such emails where provided alternatively an explanation of what type of entity is the first respondent the information had to be verified by the applicant to the satisfaction of the Tribunal.

6. ORDER

6.1. In light of the circumstances, the application is dismissed.

6.2. No order is made on the merits of this application, the applicant is directed, if he so wishes, to submit an application de novo, having corrected the procedural deficiencies in respect of regulation 153 of the Companies Act 71 of 2008.

6.3. No order as to costs.

HLALELENI KATHLEEN DLEPU

Member of the Companies Tribunal