IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

(1)	**NOT** REPORTABLE
(2)	**NOT** OF INTEREST TO OTHER JUDGES

CASE NO: 2026-082648

DATE: 2 July 2026

In the matter between:

BTW X ECLECTIC (PTY) LIMITED	First Applicant
LEBONE SEGOLODI	Second Applicant

and

WILLIAM TSEPO SEHONA	First Respondent
DIKETO NETWORK (PTY) LIMITED	Second Respondent
CHANGU MBULAWA	Third Respondent
FIRST NATIONAL BANK	Fourth Respondent
RIDWAAN MOHAMED	Intervening Party / Fifth Respondent

Neutral Citation: *BTW X Eclectic and Another v Sehona and Others (2026-082648)* **[2026] ZAGPJHC ---** (2 July 2026)

Coram: Adams J

Heard: 19 May 2026

Delivered: 2 July 2026 – This judgment was handed down electronically by circulation to the parties' representatives by email, by being uploaded to *CaseLines* and by release to SAFLII. The date and time for hand-down is deemed to be 11:30 on 2 July 2026.

Summary: Civil procedure – applications and motions – urgent application – application by respondents for reconsideration of order granted *ex parte* in

urgent application in their absence – respondents in its application for reconsideration entitled to place additional facts and matter before court which ought properly to have been placed before court when the matter was originally presented – on reconsideration of matter, court finding that court hearing original matter would still have granted the order it did even with the information provided by the respondents in the reconsideration application – the court held that there are no merit in any of the legal objections raised to the granting of the *ex parte* order – the court exercised its wide discretion against reconsidering and setting aside the *ex parte* order –

Reconsideration application in terms of Uniform Rule of Court 6(12)(c) dismissed.

ORDER

(1) In terms of Uniform Rule of Court 42(1)(b), the Order of this Court (per Wright J) dated 14 April 2026 is varied / amended by the deletion in its entirety of prayer 8 (prayer 9 of the original Court Order) thereof and by the substitution thereof by the following prayer: -

'(8) Prayers 2, 3, 4, 5, 6 and 7 shall operate as a *rule nisi*, returnable on 19 May 2026 (on the Unopposed Motion Court), for the respondents to show cause why the provisional relief sought therein should not be made final.'

(2) Mr Ridwaan Mohamed is granted leave to intervene in these proceedings under the above case number 2026-082648 and he be and is hereby joined as the fifth respondent.

(3) The first, second, third and fifth respondents' application for a reconsideration in terms of Uniform Rule of Court 6(12)(c) of the Order of this Court (per Wright J) dated 14 April 2026 be and is hereby dismissed, with costs.

(4) The *rule nisi* issued by this Court on the aforementioned date be and is hereby confirmed and prayers 2, 3, 4, 5, 6 and 7 of the said Order (prayers 2, 3, 5, 6, 7 and 8 of the original Order) be and are hereby made final.

(5) The first, second, third and fifth respondents, jointly and severally, the one paying the other to be absolved, shall pay the first and the second applicants' costs of this opposed reconsideration application, including the costs of the *ex parte* application, which were reserved by Wright J on 14 April 2026, and Counsel's costs on scale 'C' of the tariff referred to in Uniform Rule of Court 67A(3), read with rule 69.

JUDGMENT

Adams J:

[1]. On 14 April 2026 this Court (per Wright J) granted an *ex parte* order, on an urgent basis, in favour of the first and the second applicants in effect preserving the cash and other assets of the first applicant against dissipation by the first, second and third respondents. Interdictory and other ancillary relief were also granted. The order reads as follows: -

'(1) Applicant's non-compliance with the rules of the Court relating to service and time periods, including the Practice Manual and Directives of this Division, particularly as it applies to the enrolment of urgent applications for hearing on Tuesdays at 10h00, is condoned, and the application is enrolled on an urgent basis, in terms of Rule 6(12) of the Uniform Rules of Court.

(2) The first respondent is interdicted and restrained, in his capacity as director of first applicant, from misappropriating the first applicant's assets and corporate opportunities without the express approval of the board of directors until the return date.

(3) The first respondent is interdicted and restrained from transacting on, disposing from, dissipating from and transferring from the following bank account held at the following financial institution: First National Bank Account with Account Number: 6271 468 7095; Account Holder: Eclectic Projects (Pty) Ltd.

(4) The aforementioned financial institution, at which is held the bank account referred to in para 3 above, is ordered to provisionally freeze the bank account with immediate effect pending the launch of an action for recovery of monies.

(5) The first and second respondents are ordered to provide bank statements relating to the bank account referred to in para 3 above for the period from 1 January 2024 to date.

(6) The applicants are authorized to appoint an independent forensic auditor for the purpose of quantifying the misappropriated funds, tracing the flow of diverted revenue and determining the extent of financial prejudice suffered by the first applicant and preparing a report for purposes of recovery proceedings.

(7) The applicants are authorized to approach South African Banks and other Financial Institutions to ascertain whether the first and the second respondents

have bank accounts held with them and are authorized to obtain bank statements for the aforementioned bank accounts.

(8) That prayers 2, 3 and 4 operate as a *rule nisi*, returnable on 19 May 2026 (on the Unopposed Motion Court), for the respondents to show cause why the relief sought therein should not be granted.

(9) Costs of this urgent ex parte application are reserved.'[1]

[2]. On 22 April 2026 Wright J gave written reasons for the aforesaid *ex parte* order granted by him. He also indicated that prayer 5 (prayer 6 in the original court order), ordering the first and second respondents to provide bank statements relating to the bank account of Eclectic Projects (Pty) Limited, for the period from 1 January 2024 to date, was erroneously granted in final form when it should have been granted as part of the *rule nisi*, returnable on 19 May 2026. So too, so Wright J held, prayer 6 (the original prayer 7), which ordered the applicants to appoint an independent forensic auditor to Investigate. This prayer, which was granted as it was against the applicants rather than against the respondents, was granted as final relief but should have been part of the *rule nisi*. *Ditto* prayer 7 (the original prayer 8), which authorised the applicants to approach the relevant banks to ascertain whether or not the first and second respondents have bank accounts and to obtain bank statements. This order was granted as final relief but, so Wright J held, it should have formed part of the *rule nisi.*

[3]. So, in sum, Wright J indicated in no uncertain terms that all of the above prayers 2, 3, 4, 5, 6 and 7 should have been granted provisionally, and not finally, as part and parcel of the *rule nisi*, returnable on 19 May 2026. Wright J confirmed that the 'error was [his]'. He was, however, not prepared to vary the order absent agreement by all of the affected parties. In my view, Wright J's order can and should be varied in terms of Uniform Rule of Court 42(1)(b) and I therefore intend granting at the very least a variation order to correct the patent error in the said order.

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[1] Here the Court Order has been renumbered so that it reads sequentially. In certain parts, the order has also been reworded from the original order (based on a draft order provided by the applicants to Wright J), to correct obvious typographical and grammatical errors.

[4]. In this urgent application, which came before me in the Urgent Court on Tuesday, 19 May 2026, the first, second and third respondents apply in terms of the provisions of Uniform Rule of Court 6(12)(c) for a reconsideration and a setting aside of the said order. Rule 6(12)(c) reads as follows:

'A person against whom an order was granted in his absence in an urgent application may by notice set down the matter for reconsideration of the order.'

[5]. The second applicant (Mr Segolodi) and the first respondent (Mr Sehona) are co-directors of and co-shareholders in the first applicant (BTW x Eclectic). At some point, they were also co-directors of the second respondent (Diketo Network), which previously traded as Eclectic Projects (Pty) Limited. However, Mr Segolodi alleges that he was recently surreptitiously removed as director of the said company by Mr Sehona, who appointed his wife, the third respondent, as the new director of the said company. Diketo Network, as will be seen later on in this judgment, played an important part in the applicants' cause. The said company is, by all accounts, controlled by Mr Sehona and used by him, so it is alleged by Mr Segolodi, to divert from BTW x Eclectic assets and opportunities, thus severely prejudicing the said company and its shareholders.

[6]. The *ex parte* order was applied for and obtained on the basis of allegations by Mr Segolodi that Mr Sehona is unlawfully misappropriating money from BTW x Eclectic and diverting business opportunities from the said company to himself or to Diketo Network. In his founding affidavit in support of the *ex parte* application and a subsequent supplementary founding affidavit, substantial detail is provided by Mr Segolodi on all aspects of the matter. About the aforegoing there appears to be very little dispute even after the first to third respondents filed their present reconsideration application.

[7]. The first, second and third respondents apply for a reconsideration and a setting aside of the *ex parte* Order of Wright J on the basis of a number of legal points. The said Order should never have been granted, so it is contended on behalf of the said respondents, because the applicants failed to make out a case for *ex parte* relief.

[8]. The respondents, in particular, contend firstly that it is clear from the correspondence between the parties during early April 2026, as well as from the settlement discussions between the parties during that period, that the first respondent had already been informed by the applicants that he would need to repay the allegedly diverted money back to the company. Since the applicants had communicated this to the first respondent well before the institution of their application, so the contention goes, there can be no suggestion that giving notice of the first applicant's intention to claim those moneys would defeat the claim it seeks to pursue. In fact, the first and second applicants had already given such notice to the respondents before launching this application.

[9]. Second, the first respondent had indicated months before the *ex parte* proceedings were instituted that he intended to pay the amount found to be due to the company and would repay it. The first respondent's conduct in the months leading up to the *ex parte* application, so it is argued by the respondents, suggested that there was no risk that the third respondent would seek to frustrate or evade any claim the first applicant may have against him in respect of the allegedly diverted company funds.

[10]. Furthermore, the respondents contend that the applicants did not make out a case for the anti-dissipation interdict on the evidence. More to the point, the respondents submit that the founding affidavit does not mention any intention to dissipate funds to frustrate the claim. Since the founding affidavit does not support the cause of action relied on by the applicants, the order granted based on that founding affidavit ought to be set aside.

[11]. The further point raised by the respondents is that the interdictory relief granted in favour of the applicants is vague and unenforceable and should never have been granted. The relief, so the contention goes, is essentially a prohibition on the first respondent from misappropriating the first applicant's assets and corporate opportunities. The interdict does not provide any detail on what is permitted or prohibited, with no clear parameters to help the respondents and the applicants measure compliance with the order. In effect,

the interdict is simply a restatement of the general prohibition against directors misappropriating a corporation's corporate opportunities. That is not an appropriate way to frame the relief sought.

[12]. Lastly, the respondents argue that the applicants have established no entitlement to the investigatory relief granted to it. Such relief sought is, according to the respondents, impermissible. There are also other legal objections raised to the granting of the ex parte order, to which I return later.

[13]. The issue to be decided in this application is therefore simply whether there is any merit in any of the legal technical points raised by the respondents in support of their claim for a reconsideration of the Order of Wright J. That issue is to be decided against the factual backdrop of the matter and having regard to the authorities relating to reconsideration applications. In that regard, the salient relevant facts, as set out later on in this judgment, are by and large common cause. Importantly, the first, second and third respondents do not seriously challenge, *nay*, they do not challenge at all the allegations by the applicants that the first respondent, through the medium of the second respondent, has misappropriated the first applicant's funds and diverted assets and business opportunities of the company to himself and for his benefit.

[14]. Before I deal with the issues implicated in the matter, I need to address an interlocutory application by a Mr Ridwaan Mohamed, who applies for leave to intervene in these proceedings. I now turn my attention briefly to that application.

[15]. Mr Ridwaan Mohamed, who claims to be a 33.33% co-shareholder in BTW x Eclectic, applies for leave to intervene in these proceedings and, on similar bases as those of the first to third respondents, also applies for reconsideration and the setting aside of the Wright J Order. In support of his assertion that he is a shareholder in the said company, he relies on written communications from the other two shareholders, notably Mr Segolodi, in which it is acknowledged that he is indeed a shareholder, having purchased his

shareholding from the company directly. The official company registration documents, however, do not bear this out as, according to the Companies and Intellectual Property Commission (CIPC), the only two shareholders in the company are Mr Segolodi and Mr Sehona. Moreover, he was party to the settlement negotiations during April 2026, when discussions were held between him and Messrs Segolodi and Sehona, *qua* shareholders of the company, with a view to resolving the dispute between the latter two arising from the misappropriation by Mr Sehona of the company funds.

[16]. Although Mr Segolodi disputes Mr Mohamed's shareholding, I accept, for purposes of this intervention application, that he was indeed a shareholder, which means that the *ex parte* Order directly affects his rights and interests as a shareholder. This means that, on the basis of the trite principles relating to the intervention by a party in proceedings, he is entitled to leave to intervene.

[17]. Uniform Rule of Court 12, read with Rule 6(14), permits a person entitled to join as a plaintiff or liable to be joined as a defendant to apply, on notice to all parties and at any stage, for leave to intervene. Rule 6(14) makes Rules 10 to 14 applicable to applications. The Court may make such order and give such directions as to further procedure as it considers appropriate.

[18]. The standard is whether the applicant has a direct and substantial interest in the subject matter and the outcome of the proceedings, being an interest in the right which is the subject of the litigation and which may be prejudicially affected by the judgment or order. The principle is reflected in the classic joinder and intervention jurisprudence, including *Amalgamated Engineering Union v Minister of Labour*[2].

[19]. I therefore intend granting Mr Mohamed leave to intervene in the proceeding. I also intend ordering him to be joined as the fifth respondent in the *ex parte* application.

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[2] *Amalgamated Engineering Union v Minister of Labour* 1949 (3) SA 637 (A),

[20]. As I have already indicated, Mr Mohamed also applies for a reconsideration and the setting aside of the Wright J Order on grounds similar to those on which the first to third respondents base their application for the reconsideration and setting aside of the said Order. I deal with those grounds as part and parcel of the first to third respondents' reconsideration application.

[21]. That brings me back to the respondents' reconsideration application, the authorities relating to reconsideration applications in general and the facts in the matter.

[22]. This court (per Farber AJ), in dealing with Rule 6(12)(c), held as follows in *ISDN Solutions (Pty) Ltd v CSDN Solutions CC and Others*[3]:

'The framers of Rule 6(12)(c) have not sought to delineate the factors which might legitimately be taken into reckoning in determining whether any particular order falls to be reconsidered. What is plain is that a wide discretion is intended. Factors relating to the reasons for the absence of the aggrieved party, the nature of the order granted and the period during which it has remained operative will invariably fall to be considered in determining whether a discretion should be exercised in favour of the aggrieved party. So, too, will questions relating to whether an imbalance, oppression or injustice has resulted and, if so, the nature and extent thereof, and whether redress can be attained by virtue of the existence of other or alternative remedies. The convenience of the protagonists must inevitably enter the equation. These factors are by no means exhaustive. Each case will turn on its facts and the peculiarities inherent therein.'

[23]. In the same vein, Wepener J in *Oosthuizen v Mijs*[4] held as follows: -

'I am of the view that a court that reconsiders any order should do so with the benefit not only of argument on behalf of the party absent during the granting of the original order but also with the benefit of the facts contained in affidavits filed in the matter.'

[24]. In *Ghomeshi-Bozorg v Yousefi*[5], Nugent J explained the nature of reconsideration proceedings as follows:

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[3] *ISDN Solutions (Pty) Ltd v CSDN Solutions CC and Others* 1996 (4) SA 484 (W) at 487B.

[4] *Oosthuizen v Mijs* 2009 (6) SA 266 (W) at 269I-J.

[5] *Ghomeshi-Bozorg v Yousefi* 1998 (1) SA 692 (W) at 696C-G.

‘It must be borne in mind too that an order granted *ex parte* is by its nature provisional, irrespective of the form which it takes. Once it is contested and the matter is reconsidered by a court, the plaintiff is in no better position in other respects than he was when the order was first sought. (*Banco de Moçambique v Inter Science Research and Development Services (Pty) Ltd* 1982 (3) SA 330 (T) at 332B-D) and there is no reason why he should be in a better position in this respect merely because the defendant was unaware that he was called upon to submit to the court's jurisdiction for the purpose of an impending action. The court at that stage considers the matter afresh to decide whether to permit the attachment to continue, and in my view the matter falls to be decided as if the attachment was first being applied for. If the respondent has by then submitted to the jurisdiction, I can see no reason why the matter should not be dealt with in the same manner as if the order was first being applied for.’

[25]. The first to the third respondents contend that there are two separate reasons why this application should not have been brought and granted on an *ex parte* basis.

[26]. First, they say that it is clear from the correspondence between the parties during early April 2026, as well as from the settlement discussions between the parties during that period, that the first respondent had already been informed he would need to repay the allegedly diverted money back to the company. Since the applicants had communicated this to the first respondent well before the institution of their application, so the contention goes, there can be no suggestion that giving notice of the first applicant’s intention to claim those moneys would defeat the claim it seeks to pursue.

[27]. Secondly, these respondents argue that the first respondent had indicated months before the *ex parte* proceedings were instituted that he intended to pay the amount found due to the company and would repay it. The first respondent’s conduct in the months leading up to the *ex parte* application suggested there was no risk that he would seek to frustrate or evade any claim the first applicant may have against him in respect of the allegedly diverted company funds.

[28]. I disagree. The point is that the applicants engaged the respondents with a view to finding an amicable solution for the dispute which had arisen between the parties as a result of the discovery by the applicants of the misappropriation of company funds by the first respondent. During the settlement discussions, it became apparent to the applicants that the first respondent was not negotiating in good faith and was not playing open cards. In fact, the indications were that the first respondent was not being candid during his engagements with the applicants, which gave rise to the reasonable suspicion that he was simply buying time to afford himself an opportunity to syphon off the proceeds of his ill-gotten gains. And it was for this reason that the applicants, reasonably so, decided to launch the *ex parte* application on an urgent basis.

[29]. These two objections raised by the respondents therefore lack merit and falls to be rejected. The aforegoing was also confirmed by the findings on behalf of the applicants by the Forensic Auditors, whose report confirmed that the first respondent had all but completely depleted the available funds standing to the account of the second respondent.

[30]. I also do not accept the contention on behalf of the respondents that the applicants ought to have brought to the attention of Wright J the aforegoing facts when they sought the order on an *ex parte* basis. The applicants indeed made reference in their supplementary founding affidavit to the settlement discussions. They were under no obligation to provide every minute detail of the settlement discussions. The simple point is that they told the Court in the *ex parte* application of the fact that the first respondent had misappropriated company funds and thereafter engaged in discussions with a view to settling the resultant dispute, but it turned out that the discussions were not conducted *bona fide*.

[31]. The respondents also argue that the applicants failed to make out a case for the anti-dissipation order, which constitutes a *Knox D'Arcy*-style interdict which prevents the second respondent from making use of its bank accounts, as is their ordinary legal entitlement. The reference to *Knox D'Arcy* is a

reference to *Knox D'Arcy v Jamieson*[6], in which the Appellate Division provides a remedy where an applicant has demonstrated his entitlement to an interim interdict by establishing: (a) a claim against a respondent; and (b) that the respondent is concealing or dissipating assets with the intent of frustrating the claim. The AD also laid down the principle that an applicant claiming an anti-dissipation interdict must in addition to showing the existence of the debt giving rise to the claim against the respondent, also demonstrate that the respondent intends to dispose of the assets in question.

[32]. *In casu*, the respondents contend that the applicants have failed to comply with these requirements. In particular, so the respondents submit, the applicants have not proven that the first respondent is not just concealing assets but doing so with the intention of evading any claim to be brought against it by the applicants. The affidavits, so the argument goes, clearly show that the first respondent, quite apart from not intending to evade any claim, has indicated a willingness to repay any amount found to be due to the first applicant. In any event, the affidavits show that the funds in question have been in the second respondent's receipt since at least April 2024, as known to the second applicant. Where more than two years have passed since those funds were received, it cannot reasonably be argued that an urgent interdict seeking to restrain the movement of those funds will provide effective relief to the applicants. Importantly, this fact was not brought to the attention of Wright J when the *ex parte* order was sought, and it constitutes a material misrepresentation of a critical element of the applicant's case.

[33]. There is no merit in this contention by the respondents. What the first respondent says and what he does are worlds apart. He purported to be desirous to settle the dispute with the applicants. However, he failed miserably in engaging constructively during the settlement discussions. He, in particular, was not candid in making disclosure to the applicants of particulars relating to the amounts misappropriated. The reason for the aforegoing became

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[6] *Knox D'Arcy v Jamieson* 1996 (4) SA 348 (A).

abundantly clear when the applicants' Forensic Auditor discovered that the first respondent was in fact depleting on a continuous basis the funds which he had diverted into the bank accounts of the second respondent.

[34]. This legal point therefore also falls to be rejected.

[35]. There is similarly no merit in the respondents' claim that the injunctive relief granted in the order is vague and unenforceable, and it should never have been granted. In my view, there is nothing vague about the order interdicting the respondents from misappropriating the first applicant's assets and corporate opportunities. The contention that the interdict supposedly does not provide any detail on what is permitted or prohibited, with no clear parameters to help the respondents and the applicants measure compliance with the order, is singularly untenable, if regard is had to the facts which formed the basis of the *ex parte* application and the order granted. The simple point is that the respondents are interdicted from doing what they have been doing, that being to misappropriate funds which should be going to the first applicant and diverting business opportunities away from the first applicant for the benefit of the first respondent – as has been done up to now.

[36]. This objection should therefore also be rejected.

[37]. The respondents furthermore contend that the applicants have established no entitlement to the investigatory relief granted to it. The applicants were not entitled to apply on an *ex parte* basis, for access to certain documents to help identify and conceptualise their own future claim against the first respondent. That is not permitted, so the respondents argue. There is, according to the respondents, no legal basis for such relief.

[38]. I disagree. There has, in recent times, been a development of the common law relating to the granting of such investigatory relief and disclosure of documents by third parties before the commencement of litigation. In that

regard, see *Nampak Glass (Pty) Ltd v Vodacom (Pty) Ltd and Others*[7], in which this Court (per Unterhalter J) held that an applicant, in an urgent application, can and should be granted an order that third parties provide it with information that could assist it in identifying wrongdoers to enable it to institute an action against them. At paras 2 and 3, the Court held as follows: -

'[2] This application is somewhat novel. It seeks the assistance of the courts to gain access to information, held by third parties, in advance of any litigation having been instituted, in order to determine the identity of prospective defendants. An order of this kind does, however, bear a certain family resemblance to the Anton Piller order that preserves evidence in advance of the institution of substantive litigation.

[3] It would seem a matter of common sense that there may be circumstances in which an applicant needs the assistance of the courts, not simply to preserve evidence, but to obtain information for the purposes of determining the identity of wrongdoers so that proceedings may be brought against them. But our courts have not been inclined to grant orders of this kind. Appeals to procedural pragmatism have not prevailed in the face of the absence of clear authority at common law that such orders may be granted. Nor do the Rules of Court provide for the disclosure of information to identify a defendant in advance of instituting proceedings.'

[39]. On the basis of this authority, I therefore reject this ground for the reconsidering application.

[40]. There is one other objection to the *ex parte* order raised in particular by the intervening party. That relates to Mr Segolodi's authority to act on behalf of BTW x Eclectic and the applicable of s 165 of the Companies Act.

[41]. Mr Mohamed contends that Mr Segolodi's claim is that of the company and he had to have recourse to s 165 of the Companies Act, relating to derivative actions, as he purports to act in the company's interests and that of shareholders (the latter of which is a reflective loss claim and the claim of the company).

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[7] *Nampak Glass (Pty) Ltd v Vodacom (Pty) Ltd and Others* 2019 (1) SA 257 (GJ).

[42]. He failed to follow the procedure prescribed by s 165, so the contention goes. Moreover, Mr Segolodi, according to Mr Mohamed, was not authorised to act on behalf of BTW x Eclectic as the resolution purporting to authorise him to act herein on behalf of the said company was wholly defective as it did not comply with the Memorandum of Incorporation of the company. For this reason alone, so it is argued on behalf of Mr Mohamed, the *ex parte* order should be reconsidered and set aside.

[43]. Section 165, so the argument on behalf of the intervening party continues, is the statutory derivative-action mechanism for companies under the Companies Act 71 of 2008. It allows a shareholder or director to cause proceedings to be brought in the company's name where those controlling the company will not act against alleged wrongdoing or misappropriation. It is the appropriate mechanism because the harm in such cases is ordinarily suffered by the company, the statute abolishes the common-law derivative action for companies, and the courts have treated s 165 as the correct, exclusive route subject to judicial safeguards. Section 165 applies, so the contention goes, where the company has a cause of action, but the company itself is unwilling or unable to enforce it, typically because the alleged wrongdoers control or influence the company's decision-making.

[44]. This argument on behalf of the intervening party is misguided as it loses sight of the fact that the second applicant act herein also in his capacity as a director of the first respondent as well as in his capacity as a shareholder of the said company. His actions are directed at ensuring that he performs his fiduciary duties *qua* director of the company. He also has an interest in his capacity as a shareholder to protect his interest as such and to ensure that he is not prejudiced by the conduct of the first respondent, his co-director.

[45]. For this reason, the aforesaid legal objection raised on behalf of the intervening party also falls to be rejected.

[46]. There are other points raised on behalf of the intervening, which, as I have indicated above, overlap to a certain extent with the points raised by the first to third respondents. All of these points are singularly without merit and I reject them all out of hand.

[47]. Moreover, as was held in *ISDN Solutions (Pty) Ltd v CSDN Solutions CC and Others*, referred to *supra*, a court reconsidering an *ex parte* order has a wide discretion, and, in exercising that discretion, should have regard to factors such as whether an imbalance, oppression or injustice has resulted. In the exercise of my discretion *in casu*, the one aspect of the matter that weighs heavily on my mind is the fact that, by all accounts, the first respondent misconducted himself rather egregiously and breached the fiduciary duty he owed to BTW x Eclectic by misappropriating the company's monies.

[48]. For all of these reasons, I am of the view that the respondents' application to have reconsidered and set aside the ex parte Order of this Court dated 14 April 2026 should be dismissed. As for costs, the general rule that the costs should follow the suit should find application.

Order

[49]. In the result, I make the following order:

(1) In terms of Uniform Rule of Court 42(1)(b), the Order of this Court (per Wright J) dated 14 April 2026 is varied / amended by the deletion in its entirety of prayer 8 (prayer 9 of the original Court Order) thereof and by the substitution thereof by the following prayer: -

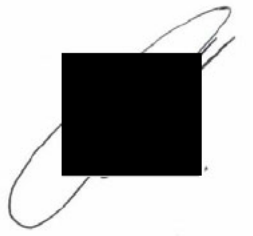
'(8) Prayers 2, 3, 4, 5, 6 and 7 shall operate as a *rule nisi*, returnable on 19 May 2026 (on the Unopposed Motion Court), for the respondents to show cause why the provisional relief sought therein should not be made final.'

(2) Mr Ridwaan Mohamed is granted leave to intervene in these proceedings under the above case number 2026-082648 and he be and is hereby joined as the fifth respondent.

(3) The first, second, third and fifth respondents' application for a reconsideration in terms of Uniform Rule of Court 6(12)(c) of the Order of this Court (per Wright J) dated 14 April 2026 be and is hereby dismissed, with costs.

(4) The *rule nisi* issued by this Court on the aforementioned date be and is hereby confirmed and prayers 2, 3, 4, 5, 6 and 7 of the said Order (prayers 2, 3, 5, 6, 7 and 8 of the original Order) be and are hereby made final.

(5) The first, second, third and fifth respondents, jointly and severally, the one paying the other to be absolved, shall pay the first and the second applicants' costs of this opposed reconsideration application, including the costs of the *ex parte* application, which were reserved by Wright J on 14 April 2026, and Counsel's costs on scale 'C' of the tariff referred to in Uniform Rule of Court 67A(3), read with rule 69.



L R ADAMS
Judge of the High Court
Gauteng Division, Johannesburg

HEARD ON:	19 May 2026
JUDGMENT DATE:	2 July 2026 – Judgment handed down electronically
FOR THE FIRST and SECOND APPLICANTS:	Pumezo Vabaza
INSTRUCTED BY:	S Matlou Attorneys Incorporated, Centurion, Pretoria
FOR THE FIRST to THIRD RESPONDENTS:	Suhail Mohammed
INSTRUCTED BY:	Laher Attorneys, Rosebank, Johannesburg
FOR THE INTERVENING PARTY:	Yacoob Alli
INSTRUCTED BY:	ZI & Co Incorporated, Johannesburg