THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case no 2026/179488

(1)	REPORTABLE: Yes☐/ No ☒
(2)	OF INTEREST TO OTHER JUDGES: Yes☐ / No ☒
(3)	REVISED: Yes ☒ / No ☐

Date: 28 July 2026 [redacted]

In the matter between:

SV105 TRADING CC	Applicant
and	
MARYNA ESTELLE SYMES N.O.	First Respondent
SUMAIYA ABDOOL GAFAAR KHAMMISSA N.O.	Second Respondent
TREVOR MAHLASELE MAPONYA N.O.	Third Respondent
LISL ANNA LOUBSER N.O.	Fourth Respondent
THE SHERIFF OF THE HIGH COURT, HALFWAY HOUSE ALEXANDRA	Fifth Respondent
WH AUCTIONEERS (PTY) LTD	Sixth Respondent

JUDGMENT

DU PLESSIS J

Introduction

[1] This is an urgent application brought on severely truncated timeframes, in which the applicant seeks an (interim) interdict against the liquidators of VP Group (Pty) Ltd ("VP Group"), which is in liquidation, from selling a substantial number of movable assets at an auction scheduled for 29 to 31 July 2026, pending a rei vindicatio action that it instituted the week prior to the urgent court hearing.

[2] After hearing the submission on urgency, I indicated that it is sometimes necessary to "peek over the wall" at the merits in order to properly assess urgency. In this case, if the applicant could show that it had a credible case as to its ownership of the movables, the matter would be urgent. If not, the matter is not urgent.

[3] Having considered the affidavits, the arguments made in the practice notes, and the submissions made by counsel, I am not satisfied that the matter is sufficiently urgent and must accordingly be struck from the roll for the following reasons.

[4] The Sheriff attached the assets in terms of section 19 of the Insolvency Act[1] on 13 April 2026, using a list furnished from within the Virtual Collective group itself. The applicant was then advised at the end of April to pursue interpleader proceedings, which advice it did not take.

[5] The removal of the attached items started on 5 June 2026, and was completed by the end of June. The applicant and related entities launched urgent spoliation proceedings in the Pretoria High Court, which were struck from the roll for lack of urgency on 22 June 2026.

[6] By Monday 20 July 2026, the applicant knew that the liquidators were arranging a further auction. The papers for the present application were only prepared on the weekend that followed, and delivered on 27 July 2026 for a hearing the following morning. The respondents were only afforded about five hours to answer a founding affidavit with some 770 pages of annexures attached.

[1] 24 of 1936.

[7] Uniform Rule 6(12) empowers the court to dispense with the usual forms and service in genuinely urgent matters. The normal practice is that urgent matters be enrolled for hearing on a Tuesday, with notice given no later than noon on the preceding Thursday. Enrolment on any other day requires exceptional explanation or circumstances. A litigant who has known since April of the attachment and the ongoing ownership disputes, and who has already had one urgent application struck from the roll, cannot rely on this rule to bring an application on unrealistically truncated timeframes, thereby depriving its opponent a fair opportunity to answer.

[8] The "peek over the wall" reinforces this conclusion. The respondents submitted that when the VP Group applied for financing from Capitec (one of the creditors), it provided Capitec with a list of assets for registration of a notarial bond ("the 2024 list"). There is substantial overlap between the items in that schedule, which are the VP Group's assets (which, under the agreement, could not be transferred without Capitec's permission), and the items now listed by the applicant in annexure A as its exclusive property.

[9] The applicant did not explain how these assets became its property in contravention of that agreement. In fact, its evidence remained vague and high-level, consisting of global financial statements, a management agreement, and historic invoices, with little detail. I accept that the applicant only needs to prove a prima facie right of ownership, but it must at least establish a prima facie right to obtain an interim interdict in these circumstances.

[10] For these reasons, the application is struck from the roll for lack of urgency.

[11] The respondents have incurred the expense of preparing and filing an answering affidavit under extreme time pressure. There is no reason to depart from the ordinary principle that costs follow the result. The complexity of the matter and the engagement of senior and junior counsel justify the costs of two counsel on scale B.

Order

[12] The following order is made:

1. The application is struck from the roll for lack of urgency.
2. The applicant is ordered to pay the costs of the first to fourth respondents, such costs to be taxed on scale B and to include the costs of two counsel.

[redacted]

WJ du Plessis
Judge of the High Court, Gauteng Division, Johannesburg

Date of hearing:	28 July 2026
Date of judgment:	28 July 2026
For the applicant:	ASL van Wyk instructed by Herman Esterhuizen Smalman Attorneys
For the respondent:	CLH Harms, with him DL Grundlingh, instructed by Grundlingh attorneys.