



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

CASE NO: CT02930ADJ2026

In the Ex Parte Application of

Xolile Angel Masango

Applicant

Date of Decision: 31st August 2026

DECISION

INTRODUCTION

1. The Applicant is. Xolile Angel Masango an adult female South African with identity number XXXXXXXXXXXX084
2. This is an application in terms of Regulation 7 (3) (a) of the Companies Act for substituted service.

APPLICANT'S SUBMISSIONS

3. On 14th July 2026 the Applicant attempted to serve the Founding Application on Nhlakanipho Clinton Khuzwayo at the address. The Sherrif indicated that on serving the papers it was unable to locate the address.

4. The Applicant requests an order of substituted service by way of an email, WhatsApp or through social media.

APPLICABLE LAW

5. Regulation 142(2) requires that a copy of the application and affidavit be served on each Respondent. Where a Respondent fails to answer Regulation 153 allows the Tribunal to grant a default order if the initiating document was “adequately served”

6. Annexure 3 to the regulations sets out the accepted methods of delivery of documents.

7. Regulation 7(3)(a) deals with situations where the Applicant is unable to serve the Respondent in a manner provided for in the Act. Regulation 7 (3) (a) reads as follows: “ (3) *If, in a particular matter, it proves impossible to deliver a document in a manner provided for in the Act or these Regulations – (a) If any person other than the Tribunal is required to deliver the document, the person may apply to either the Tribunal or the High Court for an order of substituted service;*”

EVALUATION AND FINDINGS

8. Since Nhlakanipho Clinton Khuzwayo address cannot be found this makes it impossible for the Applicant to serve the Application and affidavit to the address.

9. Since service is made impossible it is believed that the Applicant should be permitted to make substituted service as requested by the Applicant.

ORDER

10. The relief sought by the Applicant is granted.

11. The Applicant is authorized in terms of regulation 7(3)(a) to serve the initiating application, affidavit, annexures and this order on Nhlakanipho Clinton Khuzwayo on any of the following methods.

- i. by transmission of the documents to Nhlakanipho Clinton Khuzwayo email address, watsapp or social media where the respondent is active.
- ii. The respondent must within twenty (20) business days from the date of service, file default application in terms of regulation 145



MOHAMED ALLI CHICKTAY
MEMBER OF THE COMPANIES TRIBUNAL