SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and SAFLII Policy

REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case Number: **2026-000369**

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED: YES

DATE 08/10/2026

SIGNATURE

In the matter between:

T[...] J[...] R[...] Applicant

(ID NO: 6[...])

And

S[...] L[...] R[...] First Respondent

(ID NO: 6[...])

S[...] L[...] R[...] N.O. Second Respondent

(In his capacity as a trustee of the LEE JANE TRUST No. IT 9285/99)

MATODZI LAWRENCE MUKWEVHO N.O. Third Respondent

(In his capacity as a trustee of the LEE JANE TRUST No. IT 9285/99)

T[...] J[...] R[...]N.O. Fourth Respondent

(In her capacity as a trustee of the LEE JANE TRUST No. IT 9285/99)

JSCSCJ (PTY) LTD (Registration No. 2019/207127/07) Fifth Respondent

INVESTEC BANK LTD (Reg. No: 1969/000763/06) Sixth Respondent

ABSA BANK LTD (Reg. No: 1986/004794/06) Seventh Respondent

THE STANDARD BANK OF SOUTH AFRICA LTD

(Reg. No: 1962/000738/06) Eighth Respondent

JUDGMENT

NDLOKOVANE AJ

Introduction

[1] This is an opposed application brought by the Applicant, T[...] J[...] R[...]("TJR"), against her husband, S[...] L[...] R[...] ("SLR"), and various other respondents. The application comprises three interrelated components: a preservation application brought in the ordinary course under case number 2024/054122; an

urgent ex parte application brought under case number 2026/000369; and a reconsideration application brought by SLR under case number 2026/000369.

[2] The parties were married out of community of property without accrual on 14 November 1992. The marriage still subsists. TJR seeks a redistribution of assets in terms of section 7(3) of the Divorce Act 70 of 1979 ("the Divorce Act"), as extended by the Constitutional Court in ***EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others [***2023] ZACC 32.

[3] The central issue for determination is whether TJR has established the requirements for interim preservation orders pending the finalisation of the divorce action.

The Parties and Their Relationships

[4] The parties and their relationships are described as follows:

4.1 The Applicant, T[...] J[...] R[...]("TJR"), is the Applicant in the urgent application and the defendant in the divorce action. She is the wife of the First Respondent, married out of community of property without accrual. She is also a trustee of the Lee Jane Trust (Fourth Respondent nomine officio) and a beneficiary thereof. She was a housewife for most of the marriage and contributed financially and in her capacity as homemaker, overseeing renovations and raising the children.

4.2 The First Respondent, S[...] L[...] R[...] ("SLR"), is the plaintiff in the divorce action and the First Respondent in these proceedings. He is the husband of TJR. He holds 100% of the issued share capital in JSCCSJ (Pty) Ltd (Fifth Respondent) and is a director thereof. He is also a trustee of the Lee Jane Trust (Second Respondent *nomine officio*) and a director of LNG Hub (Pty) Ltd. He instituted divorce proceedings against TJR in May 2024.

4.3 The Second Respondent, S[...] L[...] R[...] N.O., is cited in his capacity as a trustee of the Lee Jane Trust No. IT 9285/99.

4.4 The Third Respondent, Matodzi Lawrence Mukwewho N.O., is cited in his capacity as a trustee of the Lee Jane Trust. He was appointed as an independent trustee on 5 June 2025.

4.5 The Fourth Respondent, T[...] J[...] R[...]N.O., is cited in her capacity as a trustee of the Lee Jane Trust.

4.6 The Fifth Respondent, JSCCSJ (Pty) Ltd ("JSC"), is a company in which SLR holds 100% of the issued share capital. It is a shareholder of LNG Hub (Pty) Ltd, in which SLR is also a director. The Applicant alleges JSC is SLR's alter ego.

4.7 The Sixth Respondent, Tee Jay Trading (Pty) Ltd ("Tee Jay"), is a non-trading entity which owns the family home. It is currently under provisional winding up pursuant to an order of Daniels AJ dated 10 April 2026 under case number 2024-127825.

4.8 The Seventh to Ninth Respondents, Investec Bank Ltd, Absa Bank Ltd, and The Standard Bank of South Africa Ltd, are cited in their capacities as financial institutions holding accounts relevant to the relief sought.

4.9 The Tenth Respondent, the Master of the High Court, North Gauteng, Pretoria, is cited in his official capacity as the custodian of trust records.

4.10 The Lee Jane Trust is a discretionary inter vivos family trust (No. IT 9285/99) formed on 20 August 1999, with Letters of Authority issued on 4 October 1999 in favour of TJR and SLR. The Trust is the central entity through which family assets and day-to-day living expenses were administered. It holds shares in CNG Holdings.

Material Factual Background

[5] The following chronology of material events is compiled from the parties' papers and the First Respondent's Chronology of Events filed on 28 July 2026.

[6] On 14 November 1992, TJR and SLR married out of community of property without accrual.

[7] On 20 August 1999, the Lee Jane Trust was formed, and Letters of Authority were issued on 4 October 1999 in favour of TJR and SLR.

[8] On 26 April 2019, JSCCSJ (Pty) Ltd was registered, with current directors being SLR and RF Van Den Berg. JSCCSJ is a shareholder of LNG Hub, in which SLR is also a director.

[9] On 7 April 2021, a letter confirmed the Lee Jane Trust's shareholding in CNG Holdings. On 16 April 2021, a Lee Jane Trust Resolution nominated SLR for appointment as non-executive director of CNG on behalf of the Trust.

[10] In May 2024, SLR instituted a divorce action against TJR under case number 2024-054122. On 3 September 2024, TJR filed her plea and counterclaim for redistribution relief.

[11] On 5 December 2024, a Rule 43 order was granted awarding TJR maintenance of R30,000 per month and a contribution towards costs of R150,000. On 4 December 2024, Badenhorst AJ granted an urgent order freezing the Trust's bank accounts.

[12] On 5 June 2025, Matodzi (Third Respondent) was appointed as Independent Trustee of the Lee Jane Trust. On 1 September 2025, Raubenheimer AJ granted an order directing the Trust to pay the contribution towards costs, arrear maintenance and future maintenance, and directing that the banking mandate in respect of the Trust's Investec Bank account must provide for joint authorisation of TJR and SLR.

[13] On 17 September 2025, SLR gave a written undertaking that online banking and all other transactions in respect of the Trust would require joint authorisation. On 18 September 2025, a Trust resolution was passed to the same effect.

[14] On 26 November 2025, SLR submitted a claim to the Trust for R1,436,081.26. On 17 December 2025, a resolution of the trustees (including the independent

trustee Matodzi) was passed to pay SLR's invoices amounting to R1,436,081.20 in respect of services rendered as non-executive director on the Board of CNG Holdings for the period April 2021 to October 2024.

[15] On 17 December 2025, SLR transferred the entire amount of R1,436,081.20 to his personal Investec bank account, in breach of the court order, his undertaking, and the Trust resolution.

[16] On 18 December 2025, TJR launched the initial preservation application under case number 2024-054122 seeking an interim preservation order against SLR from dissipating assets held by him in his estate, in trust and/or in companies within his control, and to stay the liquidation proceedings of Tee Jay Trading (Pty) Ltd instituted by SLR under case number 2024-127825.

[17] On 19 December 2025, TJR served a Notice of Intention to Amend in the initial preservation application seeking to join additional respondents, namely the trustees of the Lee Jane Trust, JSCCSJ (Pty) Ltd and Tee Jay Trading (Pty) Ltd.

[18] Between 19 and 21 December 2025, SLR dissipated the entire amount of R1,436,081.20.

[19] On 5 January 2026, TJR brought an urgent ex parte bank account freezing application under case number 2026-000369 pursuant to the payment of R1,436,081.20 to SLR by the Lee Jane Trust. On 14 January 2026, Wentzel J granted an ex parte Court Order under case number 2026-000369 granting interim bank account freezing and ancillary relief to TJR and issuing a rule nisi calling upon the respondents to show cause on 19 February 2026 why a final order should not be granted.

[20] On 16 January 2026, SLR served a notice of intention to oppose the initial preservation application under case number 2024-054122 in both his personal name and in his nomine officio capacity as a trustee of the Lee Jane Trust, and simultaneously JSCCSJ (Pty) Ltd also opposed the application.

[21] On 21 January 2026, SLR launched an urgent application for reconsideration of the ex parte bank account freezing order of Wentzel J under case number 2026-000369. On 22 January 2026, the urgent application for reconsideration was opposed.

[22] On 23 January 2026, Windell J made a Court Order under case number 2026-000369 in the reconsideration application, granted by consent of the parties, varying the Court order by Wentzel J: unfreezing all bank accounts held in the name of SLR and related trusts and entities, save for money held in trust by SLR's attorneys (R270,446.80); and postponing the matter for finalisation to the Urgent Family Court for the week of 2 to 6 February 2026.

[23] On 28 January 2026, TJR filed a Supplementary Affidavit and Replying Affidavit in the Reconsideration and *ex parte* application under case number 2026-000369 pursuant to the order by Windell J entitling TJR to supplement her papers.

[24] On 29 January 2026, the legal representatives of SLR and TJR agreed between themselves that the initial preservation application and the ex parte bank account freezing application read together with the reconsideration application, respectively under case numbers 2024-054122 and 2026-000369, would be consolidated and argued together.

[25] On 2 February 2026, Marcandonatos AJ made a Court order under case number 2024-054122 granting condonation for the late filing of TJR's plea and counterclaim in the divorce action.

[26] On 10 March 2026, SLR served his Answering Affidavit under case number 2024-054122 relating to the initial preservation application, annexing a Rule 34 tender.

[27] On 10 April 2026, Daniels AJ delivered judgment under case number 2024-127825 placing Tee Jay Trading (Pty) Ltd under provisional winding up.

[28] On 13 May 2026, SLR filed his Practice Note, Heads of Argument, and List of Authorities.

[29] On 4 June 2026, TJR served a Notice of Application to Consolidate seeking that the initial preservation application (including the joinder application therein) and the non-urgent issues remaining in the urgent ex parte bank account freezing application and the urgent reconsideration application under case number 2026-000369 be consolidated and heard together. On the same day, TJR served her Replying/Supplementary Affidavit in the preservation application(s) and reconsideration application.

[30] On 17 July 2026, TJR filed her Practice Note, Heads of Argument, and List of Authorities. On 28 July 2026, the First Respondent's Chronology of Events was filed. The matter was heard on 14 September 2026.

[31] The Applicant's case is that the Respondent has demonstrated a course of conduct indicating an intention to conceal or dissipate assets, and that without preservation orders there could be little left for the divorce court to redistribute. The Applicant relies on two principal grounds: first, that SLR was untruthful in his Rule 43 Financial Disclosure Form under oath about the allocation and ownership of shares held in LNG Hub (Pty) Ltd by JSC; and second, that SLR transferred to himself from the Trust the sum of R1,436,081.26 in breach of a court order, his undertaking, and a Trust resolution.

The Interlocutory Relief

[32] At the commencement of the hearing, the parties presented the Court with a draft interlocutory order which had been agreed upon between them. The parties jointly requested that the draft order be made an order of Court. I indicated that I was amenable to doing so.

[33] The interlocutory order deals with the consolidation of the three applications, the joinder of the Second to Fifth Respondents to the divorce action, the postponement sine die of the stay of liquidation proceedings, and the condonation of the late delivery of the Applicant's replying/supplementary affidavit. As this relief was by agreement, it is not necessary for me to deal with

it further. The order which the parties requested is incorporated into the final order below.

The Main Relief

[34] The only issue argued before me was the main relief sought by TJR, namely the interim preservation orders against SLR, the Lee Jane Trust ("the Trust"), and JSCCSJ (Pty) Ltd ("JSC").

Summary Of The Parties' Contentions

The Applicant's Contentions

[35] Adv Boonzaier, for TJR, submitted that the principal issue was whether assets allegedly controlled through companies and a trust should be preserved pending the determination of the divorce and the Applicant's claim for redistribution of assets. The Applicant's case was that the Respondent had demonstrated a course of conduct indicating an intention to conceal or dissipate assets, and that without preservation orders there could be little left for the divorce court to redistribute.

[36] The Applicant contended that TJR has a contingent claim for the redistribution of specific assets in terms of section 7(3) of the Divorce Act, as extended by the Constitutional Court in ***EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others*** [1]***.*** The Applicant submitted that despite the contingent nature of the right to a redistribution of assets, such a right is capable of founding an interim order for the preservation of assets that might be the subject of a redistribution pending the outcome of the divorce.

[37] The Applicant relied on ***S.M v J.M and Another*** [2]***)*** at paragraph 19, where the court held that a contingent accrual claim is susceptible to preservation by way of an interim interdict preventing the dissipation of assets pending the vesting

[1] *[2023] ZACC 32*
[2] *(2022/218731) [2023] ZAGPJHC 704 (13 June 2023)*

and determination of that claim, provided that an applicant can demonstrate prima facie, although open to some doubt, that a claim will accrue in his or her favour.

[38] The Applicant submitted that the case for an interim preservation order is stronger in the context of a redistribution claim than in accrual claims, because a redistribution claim envisages a transfer of actual assets, whereas an accrual claim consists solely in a claim sounding in money after calculation of the accrual value.

[39] The Applicant contended that TJR has *prima facie* demonstrated that she has a claim for the redistribution of assets against SLR on the following grounds: TJR was married to SLR out of community of property without accrual (common cause); she contributed during the marriage both financially and in her capacity as a housewife in taking care of the family home, overseeing renovation operations and bringing up the children; and section 7(5) of the Divorce Act provides that in determining the assets to be transferred, the court shall take into account the existing means and obligations of the parties, any donation made by one party to the other during the subsistence of the marriage, any order granted under section 9 of the Divorce Act or under any other law which affects the patrimonial position of the parties, and any other factor which should in the opinion of the court be considered.

[40] The Applicant submitted that in order to establish an interim preservation order, apart from a *prima facie* right although open to some doubt, TJR must establish a reasonable apprehension that she will suffer irreparable harm should the interim preservation order not be granted and that the Respondent intends to dissipate assets to thwart her claim for a redistribution of assets. The Applicant relied on ***Knox D'Arcy Ltd and Others v Jamieson and Others*** [3], where the SCA observed that the applicant need show a particular state of mind on the part of the respondent, i.e. that he is getting rid of the funds, or is likely to do so, with the intention of defeating the claims of creditors, but it is not essential to establish an intention on the part of the respondent to frustrate an anticipated judgment if the conduct of the respondent is likely to have that effect.

[3] 283/95) [1996] ZASCA 58; 1996 (4) SA 348 (SCA); [1996] 3 All SA 669 (A) (29 May 1996)

[41] The Applicant submitted that both requirements, i.e. the intention to dissipate or secrete assets and that SLR's conduct would have the effect of thwarting TJR's claim for a redistribution of assets, have been established by TJR on two principal grounds: first, SLR was untruthful in his Rule 43 Financial Disclosure Form under oath about the allocation and ownership of shares held in LNG Hub (Pty) Ltd by the Fifth Respondent of which he is a 100% shareholder; and second, SLR's conduct in transferring to himself from the Lee Jane Trust the sum of R1,436,081.26 in breach of a court order and undertaking and a Trust Resolution that SLR would require the authorisation of the Applicant for such transfer, which authorisation was refused.

[42] A substantial portion of the argument concerned the Fifth Respondent, JSC. The Applicant's case was that JSC was effectively Mr R[...]'s alter ego, because it was allegedly used to receive his personal remuneration; personal expenses were allegedly paid through the entity; the company allegedly did not conduct genuine independent business affairs; and it allegedly functioned as a vehicle through which assets could be held away from the Respondent's personal estate. Counsel relied on the alter ego principle as set out in ***Die Dros (Pty) Ltd and Another v Telefon Beverages CC and Other***s [4]at paragraph 26, and submitted that the evidence established at least a prima facie case. Importantly, counsel accepted that the preservation proceedings were not the forum for finally deciding whether the corporate veil should be pierced.

[43] The Applicant relied on an alleged discrepancy between the company's share register evidence, which indicated that 1050 shares were transferred to the Fifth Respondent on 20 March 2020 and a second batch of 1000 shares were transferred to the Fifth Respondent on 9 December 2021, and Mr R[...]'s sworn financial disclosure dated 20 March 2025, which allegedly stated that the shares had not yet been allocated. Counsel characterised this as a serious inconsistency in a sworn financial disclosure document and argued that it supported an inference that assets were being concealed.

[44] The Applicant also alleged that the Trust had historically been operated without adequate separation between trust and personal affairs; trust funds had been

[4] 3413/02) [2002] ZAWCHC 53

received or dealt with through personal accounts; earlier court orders had regulated the operation of the Trust's banking arrangements; and Mr R[...] nevertheless subsequently transferred substantial money from the Trust to himself. The Applicant placed particular emphasis on approximately R1,436,081.26 allegedly transferred to Mr R[...], of which a substantial amount was subsequently dissipated.

[45] The Applicant sought an order dealing with the remaining funds of approximately R270,446.80, including placing them in an interest-bearing trust or investment account. The Applicant proposed a qualified preservation order, rather than an absolute prohibition on dealing with the business assets, so that the Respondent would remain able to dispose of shares for legitimate capital-raising purposes. The Applicant also sought a higher scale of costs.

The Respondent's Contentions

[46] Adv Williams, for SLR, submitted that section 7(3) does not create an immediately enforceable vested right comparable to an accrual claim. Counsel argued that the papers did not adequately establish that the Applicant's contributions caused the Respondent's estate to grow or relieved pressure on it. The Respondent contended that the Applicant's assertions concerning her role as a homemaker and contribution to the household remained matters to be tested in the divorce proceedings.

[47] The Respondent submitted that what is incapable of any dispute is that TJR is married out of community of property to SLR without the application of the accrual system; because TJR and SLR are not married in community of property, TJR has no vested rights in any of the assets invested or registered in SLR's name; TJR has no general right to prevent SLR from freely dealing with his own separately held property in respect of which she has no vested right; TJR has no general right to seek to compel SLR to regulate his bona fide expenditure and use of his property so as to ensure that funds are available for the settlement of her alleged contingent right; TJR will only have a claim for payment of monies when a Court concludes that, inter alia, the Trust, JSC and

TJT are in fact the alter ego of SLR; furthermore, a Court ordering a redistribution can only have regard to the assets and liabilities of the parties as at the date of the order for redistribution; in determining the value of the assets of the parties the liabilities cannot be ignored and it is the net assets that are considered in making a redistribution order; and proof of the intention of SLR to dissipate assets to defeat creditor's claims is the minimum threshold that TJR must overcome.

[48] The Respondent's opposition to the preservation application was grounded upon the fact that in the relevant circumstances, TJR has no prima facie right and has failed to set out any facts that support a conclusion that SLR has the intention to try to dissipate assets in order to avoid TJR's potential claim. In fact, the monies actually received by SLR from the Trust, in respect of which TJR asserts prima facie rights, were used to settle liabilities of SLR with which TJR is familiar.

[49] Insofar as the statement relief is concerned, the Respondent submitted that TJR has no right to compel SLR to explain what he does with his assets and is not entitled to pre-emptive discovery, and that TJR has other remedies available to acquire documentation, which she contends are necessary for purposes of trial, including the discovery process and subpoena process.

[50] The Respondent challenged the characterisation of the payments as unilateral dissipation and relied on the Trust's resolution and the involvement of an independent trustee. Respondent's counsel pointed out that, despite the allegation that Mr R[...] deliberately breached a court order, there was no contempt application pending concerning his conduct. The Respondent's argument was therefore directed at undermining both the existence of a prima facie right and the alleged intention to dissipate.

The Legal Framework

[51] The requirements for an interim interdict are well established. The applicant must establish:

51.1 a *prima facie* right, though open to some doubt;

51.2 a well-grounded apprehension of irreparable harm;

51.3 that the balance of convenience favours the granting of the interim relief; and

51.4 that the applicant has no other satisfactory remedy.

[52] Section 7(3) of the Divorce Act provides that a court granting a decree of divorce may order that such assets of the other party as the court may deem just be transferred to the first-mentioned party. In ***EB (born S) v ER (born B) and Others; KG v Minister of Home Affairs and Others***[5] , the Constitutional Court extended the application of section 7(3) to marriages concluded after the Matrimonial Property Act came into force.

[53] In ***S.M v J.M and Another*** [6], the court held at paragraph 19 that a contingent accrual claim is susceptible to preservation by way of an interim interdict, provided that an applicant can demonstrate prima facie, although open to some doubt, that a claim will accrue in his or her favour.

[54] Section 7(5) of the Divorce Act provides that, in determining the assets to be transferred, the court shall take into account:

54.1 the existing means and obligations of the parties;

54.2 any donation made by one party to the other during the subsistence of the marriage;

54.3 any order which the court grants under section 9 of the Divorce Act or under any other law which affects the patrimonial position of the parties; and

54.4 any other factor which should in the opinion of the court be considered.

[55] In ***Knox D'Arcy Ltd and Others v Jamieson and Others*** [7]the SCA observed that the applicant who bears the onus to establish the necessary requirements

[5] ibid
[6] ibid
[7] ibid

for the grant of the interdict need show a particular state of mind on the part of the respondent, i.e. that he is getting rid of the funds, or is likely to do so, with the intention of defeating the claims of creditors, but it is not essential to establish an intention on the part of the respondent to frustrate an anticipated judgment if the conduct of the respondent is likely to have that effect.

Analysis

Prima Facie Right

[56] The Applicant asserts a contingent right to a redistribution of assets in terms of section 7(3) of the Divorce Act. However, the assets she seeks to preserve are not held by the First Respondent personally. They are held by the Lee Jane Trust and by JSCCSJ (Pty) Ltd. The Applicant's right to those assets depends on a finding that those entities are the alter egos of the First Respondent — a finding that cannot be made in these proceedings.

[57] In my view, the Applicant has not established a prima facie right to the assets of the Trust and JSC. Her right, such as it is, is a right to claim a redistribution from the First Respondent personally. It does not extend to assets held by third parties unless and until the divorce court pierces the corporate veil.

Reasonable Apprehension of Irreparable Harm

[58] Even if the Applicant had established a prima facie right, she has not established a reasonable apprehension of irreparable harm. The assets she seeks to preserve belong to the Trust and to JSC. Those entities are separate legal persons. The First Respondent's conduct in transferring R1,436,081.26 from the Trust to himself is serious, but it does not establish that the Trust or JSC will dissipate their remaining assets to thwart the Applicant's claim.

[59] The Applicant's apprehension is speculative. It is not grounded in evidence that the Trust or JSC intend to dissipate their assets. The fact that the First Respondent breached a court order in respect of one transaction does not establish a general intention to dissipate the assets of separate legal entities.

Balance of Convenience

[60] The balance of convenience favours the Respondent. The preservation order sought would prevent the Trust and JSC from dealing with their own assets pending the divorce. That would paralyse their legitimate business operations. The Applicant's interests can be protected in other ways — including by the divorce court's power to make a redistribution order and by the existing Rule 43 order.

No Other Satisfactory Remedy

[61] The Applicant has other satisfactory remedies. She can pursue her alter ego claim in the divorce action. She can seek discovery and subpoenas. She can apply for a preservation order in the divorce court once the alter ego issue has been determined. The preservation proceedings before me are not the appropriate forum for that determination.

Conclusion on the Main Relief

[62] The Applicant has not established the requirements for an interim preservation order. The application must be dismissed.

[63] The interlocutory relief was by agreement between the parties, and I am amenable to granting it as requested.

Order

[64] In the result, the following order is made:

Interlocutory Relief (By Agreement)

1. The preservation application brought in the ordinary course under case number 2024/054122 and the urgent application brought by the Applicant, and the reconsideration application brought by the First Respondent, in the

urgent proceedings under case number 2026/000369 are consolidated and shall be heard together.

2. The Second, Third, Fourth, Fifth, and Sixth Respondents are joined to the divorce action brought under case number 2024/054122 as defendants.

3. The Applicant's application under case number 2024/054122 for a stay of the liquidation proceedings under case number 2024-127825 brought by the First Respondent against the Sixth Respondent and the joinder of the Sixth Respondent to the divorce proceedings is postponed sine die and the Applicant is granted leave on the same papers duly supplemented to approach the Honourable Court at a later date for a stay of the liquidation proceedings and/or for the joinder of the liquidators of the Sixth Respondent, alternatively the joinder of the Sixth Respondent to the divorce proceedings.

4. The late delivery of the Applicant's replying/supplementary affidavit dated 24 June 2026 filed under dual case numbers 2024/054122 and 2026/000369 is condoned.

5. There is no order as to costs in respect of the interlocutory relief dealt with in paragraphs 65 to 68 above.

Main Relief

6. The application on the merits is dismissed.

7. The Applicant is directed to pay the costs of the main application on the merits, which costs are to include the costs of counsel.

N NDLOKOVANE
ACTING JUDGE OF THE HIGH COURT
JOHANNESBURG

Appearances:

For The Applicant:	Adv W B Boonzaier
Instructed By:	O'donovan Attorney
For The First Respondent:	Adv D L Williams
Instructed By:	Wright Rose-Innes Inc
Date Of Hearing:	14 September 2026
Date Of Judgment:	08 October 2026