

REPUBLIC OF SOUTH AFRICA



IN THE SOUTH GAUTENG HIGH COURT  
(JOHANNESBURG)

CASE NO 24418/2010

In the matter between

**RAM TRANSPORT (PTY) LTD**

**APPLICANT**

and

**REPLICATION TECHNOLOGY GROUP (PTY) LTD  
(IN LIQUIDATION)**

**FIRST RESPONDENT**

**THE MASTER OF THE HIGH COURT**

**SECOND RESPONDENT**

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**S U M M A R Y**

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**VAN OOSTEN J:**

*Companies – Winding up -Inspection by third party of books of documents of company in liquidation in hands of its liquidators – Application for such inspection by proved creditor under s 360(1) of Companies Act 61 of 1993 for purpose of motivating an enquiry to the Master in order to hold the directors and controlling members liable for the company's debts in terms of s 424 of Companies Act – Application unopposed but liquidators requiring court's authorisation for inspection.*

*Obiter dicta in old English case Re North Brazilian Sugar Factories (1887) 37 Ch 83 (CA) quoted with approval in Henochsberg that court should not authorise inspection where sole purpose is to obtain information to enable applicant to sue a former director of company constituting possible obstacle to granting the relief*

*sought – No South African authority directly in point.*

*Dicta in North Brazilian discussed and with reference to decisions in English and Australian cases not followed – Scope and ambit of s 360(1) as well as nature of court's discretion in consideration of application discussed – Application granted.*