

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG**

**CASE NO: 2013/24397**

In the matter between:

**NEW HEIGHTS DEVELOPERS (PTY) LTD**

Applicant

And

**BOGATSU, MANANA SHEREEN**

Respondent

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**SUMMARY**

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**SPILG, J:**

**COMPANIES ACT 71 OF 2008:**

**Section 165 demand;**

- Certain parts of a s 165 demand were overtaken by events. Held: The mere fact that the demand may cover extraneous matters does not render the other terms of the demand *pro non scripto*
- The real issue is whether the recipient of the notice would understand it to be one in terms of s 165 and that a failure to respond would trigger the provisions of that section.
- The demand was not vexatious nor one falling outside s 165. The respondent was seeking through court proceedings to protect the interest of company A which it was alleged was the single largest shareholder in company B and that on the papers, even assuming that the shares of company B had been transferred to the other shareholder of company A, no payment had been made for such shares.