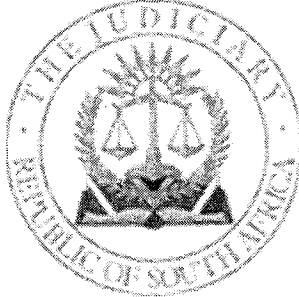


REPUBLIC OF SOUTH AFRICA



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

CASE NO: 18003/2014

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES /NO
(3)	REVISED.

[Signature]

In the matter between:

Capital Propfund 2 (Pty) Ltd

Applicant

and

Caterco CC (In Liquidation)

First Respondent

Johannes Hendricus Du Plessis N.O.

Second Respondent

Tsakani Gladness Hlungwani N.O.

Third Respondent

J U D G M E N T ON APPLICATION FOR LEAVE TO APPEAL

CARELSE J:

[1] This is an application for leave to appeal against my judgment and order which I delivered on 07 September 2018.

[2] The grounds of appeal are twofold:

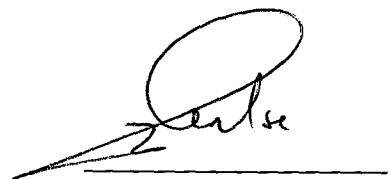
2.1 The issue of locus standi of the applicant (in the main application); and

2.2 The interpretation of s37(1) read in s37(2) of the Insolvency Act No.24 of 1936

Both these issues were fully dealt with in my Judgment. Having considered the submission from both counsels, I am of the view that there are reasonable prospects of success on appeal.

[3] In the result I make the following order:

1. Leave to Appeal to the Full Court of the Gauteng Local Division is granted as set out in paragraph 2.
2. Costs are costs in the Appeal.



Z CARELSE

Judge of the High Court: Gauteng Local Division

Counsel for the Applicant:

Adv R S Sheptone

Instructed by:

KokinIs Incorporated

Counsel for Defendant:

Adv J A Swanepoel

Instructed by:

Date of hearing: 24 April 2019

Date of judgment: 30 April 2019