

Supreme Court of Appeal of South Africa

MEDIA SUMMARY – JUDGMENT DELIVERED IN SUPREME COURT
OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 29 March 2007

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

S B GHERSI & OTHERS v TIBER DEVELOPMENTS (PTY) LTD &
OTHERS

The shareholders of a property development company, Tiber Developments (Pty) Ltd, obtained an order from the Johannesburg High Court appointing a provisional curator to investigate whether legal proceedings should be instituted against the directors of the company for the alleged misappropriation of over R98 million and interest of over R122 million. The curator found the allegations baseless but recommended the institution of legal proceedings to recover the profits made by the directors from development opportunities not offered by them to the company during the previous 23 years. The SCA upheld the decision of the Johannesburg High Court that the curator had gone outside his mandate and held that the investigation by the curator was not sufficient to found the massive litigation recommended by him.

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