

**In the Supreme Court of Appeal of South Africa
MEDIA SUMMARY –**

Case number: 63/06

In the matter between

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| 1) | INSAMCOR (PTY) LTD
and
DORBYL LIGHT & GENERAL
ENGINEERING (PTY) LTD | APPELLANT

RESPONDENT |
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In the matter between:

Case number:319/2006

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| 2) | DORBYL LIGHT & GENERAL
ENGINEERING (PTY) LTD
and
INSAMCOR (PTY) LTD | APPELLANT

RESPONDENT |
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From: The Registrar, Supreme Court of Appeal
Date: 2007-03-12
Status: Immediate

On 12 March 2007 the SCA gave judgment in the appeal of Dorbyl Light & General Engineering (Pty) Ltd (DLG) against Insamcor (Pty) Ltd. DLG instituted action against Insamcor in the Johannesburg High Court for payment of royalties in terms of a sub-licence agreement between the parties. During the course of proceedings, Insamcor learnt that DLG had previously been deregistered and then restored to the register of companies pursuant to a court order granted under s 73(6) of the Companies Act 61 of 1973.

Upon establishing these facts, Insamcor sought the setting aside of the

restoration order on the basis that it should have been joined as a necessary party in the application for that order. DLG's contention, on the other hand, was that Insamcor, in any event, had no standing in law to oppose the restoration order and could therefore not be considered a necessary party in the application. The Johannesburg High Court held that Insamcor should indeed have been joined as a necessary party to the application and consequently set the restoration order aside. The Supreme Court of Appeal agreed with the Johannesburg High Court and the appeal was therefore dismissed with costs.