



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 14 March 2011

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.

EDS v NATIONWIDE AIRLINES

The Supreme Court of Appeal dismissed an appeal today against a decision of the Johannesburg high court granting an application by the provisional liquidators of Nationwide Airlines (Pty) Ltd for the payment of funds held in an investment account by the attorneys of Nationwide pending resolution of a dispute concerning fees payable between Nationwide and EDS South Africa (Pty) Ltd, a provider of information technology services. The funds were allegedly held by the attorneys as a stakeholder. Both the high court and the Supreme Court of Appeal found that no agreement

of stakeholding had been established and also that Nationwide never lost control of the funds held on its behalf by its attorneys. The provisional liquidators were thus entitled to the funds.