

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NO: 20217/2010

5 DATE: 30 MAY 2011

In the matter between:

**MELOMED HOSPITAL HOLDINGS LTD** Applicant

and

10 **DR ADRIAN BURGER INCORPORATED** Respondent

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**J U D G M E N T**

**(Application for leave to appeal)**

**ALLIE, J:**

15 In this matter I am persuaded that there is a reasonable  
possibility that another Court may come to a different  
conclusion in respect of whether the applicant is in fact a  
creditor or not and therefore in respect of whether it has *locus*  
*standi* and accordingly whether it is just and equitable to wind  
20 up the respondent in those circumstances. I am granting leave  
to appeal to the full bench of this division and the issue of  
costs will in fact be cost in the appeal.



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ALLIE, J

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