

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case number : 93417/19

In the matter between

HENRY ARDEN SMITH	First Applicant
ANDRE HANEKOM	Second Applicant
CHRISTOFFEL STEYN HOFFMANN	Third Applicant
DOREEN BYRAM ABAN VAN DER BERG	Fourth Applicant
ADRIAAN DE KLERK STEYN	Fifth Applicant
JUDITH ANNE HUTCHINGS	Sixth Applicant
JACOBA ELIZABETH STRAUSS	Seventh Applicant
THERESA ALICE HODGETTS	Eight Applicant
ELIZABETH CARYL HENRICO	Ninth Applicant
NICOLE GURTSCHMANN	Tenth Applicant
ESTHER MARIE ROUSSEAU	Eleventh Applicant
CHRISTINA JACOBA HELENA LAUBSCHER	Twelfth Applicant

and

NICOLAS GEORGIU	First Respondent
MICHAEL GEORGIU	Second Respondent
GEORGE NICOLAS GEORGIU	Third Respondent
JOHANNES FREDERICK KLOPPER N.O.	Fourth Respondent
JOHANNES FREDERICK KLOPPER	Fifth Respondent
CORNELIUS FOURIE MYBURGH	Sixth Respondent
PANOGIOTIS KLEOVOULOU	Seventh Respondent
ZEPHAN PROPERTIES (PTY) LTD	Eight Respondent
ORTHOTOUCH LIMITED	Ninth Respondent
ORTHOTOUCH (PTY LIMITED	Tenth Respondent
NICOLAS GEORGIU N.O.	Eleventh Respondent
MAUREEN LYNETTE GEORGIU N.O.	Twelfth Respondent

JOSEPH CHEMALY N.O.	Thirteenth Respondent
DEREK PERDOE COHEN	Fourteenth Respondent
HIGHVELD SYNDICATION NO 15 LIMITED	Fifteenth Respondent
HIGHVELD SYNDICATION NO 16 LIMITED	Sixteenth Respondent
HIGHVELD SYNDICATION NO 17 LIMITED	Seventeenth Respondent
HIGHVELD SYNDICATION NO 18 LIMITED	Eighteenth Respondent
HIGHVELD SYNDICATION NO 19 LIMITED	Nineteenth Respondent
HIGHVELD SYNDICATION NO 20 LIMITED	Twentieth Respondent
HIGHVELD SYNDICATION NO 21 LIMITED	Twenty-First Respondent
HIGHVELD SYNDICATION NO 22 LIMITED	Twenty-Second Respondent

Notice of intention to amend Notice of Motion
(re leave to file RMB documents to supplement case)

KINDLY TAKE NOTICE that Applicants intend to amend, in terms of Rule 28(1), their Notice of Motion dated 20 January 2020 – in order to have it correspond with the intended procedural approach (as set out in paragraph 15.2 of the supporting affidavit attached to such Notice of Motion) save for some minor changes to time periods – as follows:

With reference to the attached *draft* (i.e. proposed) Notice of Motion marked "*Annexure AM*":

- By *inserting the underlined words and numbers in bold* wherever they appear (i.e. **underlined**).
- By *deleting the words and numbers that have been struck through* (i.e. ~~strikethrough~~).

KINDLY TAKE NOTE THAT unless written objection to the above proposed amendment is delivered within 10 days after receipt of this notice, the amendment will be effected.

DATED at PRETORIA on this 29th day of January 2021.



Geyser & Coetzee Attorneys

Attorneys for the Applicants

9 Boabab Nook,

Zwartkop

Centurion

PRETORIA

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For THERON & PARTNERS

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To: **THE REGISTRAR OF THE NORTH GAUTENG HIGH COURT**
PRETORIA

AND TO: **KYRIACOU INC**
(Attorneys for 1st, 8th, 11th, 12th and 13th Respondents)
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AND TO: **FLUXMANS ATTORNEYS**
(Attorneys for 2nd Respondent)

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AND TO: **WEBBER WENTZEL**
(Attorneys for 5th Respondent)
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AND TO: **WERKSMANS INC**
(Attorneys for 3rd Respondent)
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Tel: 021 405 5100

AND TO: **JOHAN VICTOR ATTORNEYS LITIGATORS**
Attorneys for the Eighth and Tenth Respondents
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Annexure "AM"

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GAUTENG DIVISION, PRETORIA

Case number : 93417/19

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HIGHVELD SYNDICATION NO 21 LIMITED	Twenty-First Respondent
HIGHVELD SYNDICATION NO 22 LIMITED	Twenty-Second Respondent

[Proposed amended] Notice of Motion

(for leave to file RMB documents to supplement case)

TAKE NOTICE that application will be made by Applicants to the above Honourable Court on a date to be determined in conjunction with the Registrar and the honourable Justice Van Nieuwenhuizen (who was appointed to case manage the matter) for the following relief:

1. That this application be heard as one of ~~urgency~~ normal service or in accordance with the directives, if any, so provided by Justice Van Nieuwenhuizen by way of Case Management directives. and that the Honourable Court in accordance with Rule 6 (12) dispense with the normal rules with regard to forms and service.
2. That Applicants be granted leave to supplement their founding papers by filing – by means of a supplementary affidavit – the two “Rand Merchant Bank

documents” which are attached to the supporting affidavit of Mr JB Theron herein and respectively marked “JB1” and “JB2”.

3. That Second, Third and Fifth Respondents be granted leave to file their opposing papers on or before either of the following two dates, whichever are the earlier later :-

3.1 15 court days after the filing of this application, or;

3.2 5 10 (ten) court days after the granting of the relief sought herein; or as directed by Case Management directives.

4. Costs of this application to be paid jointly and severally only in the event of opposition and by those Respondents who oppose this application.
5. Further and/or alternative relief.

TAKE FURTHER NOTE THAT the accompanying affidavit of Mr JB Theron will be used in support of this application.

TAKE FURTHER NOTICE THAT if you intend opposing the application, you are required:

- a) to file notice of opposition within 5 (five) days of receipt hereof;
- b) and to file your answering affidavits, if any, within 10 (ten) days of filing the aforementioned notice of opposition.

DATED at **PRETORIA** on this _____ day of January 2021.

Geyser & Coetzee Attorneys

Attorneys for the Applicants

9 Boabab Nook;

Zwartkop

Centurion

PRETORIA

TEL: (012) 663 5247

FAX: (012) 663 5719

REF: W Coetzee

For THERON & PARTNERS

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**To: THE REGISTRAR OF THE NORTH GAUTENG HIGH COURT
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48 Atholl Oaklands Road
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Email: legal@kincorporated.co.za
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AND TO: FLUXMANS ATTORNEYS
(Attorneys for 2nd Respondent)
30 Jellicoe Ave, Rosebank
JOHANNESBURG
Email: sshoot@fluxmans.com
Tel: 011 328 1700

AND TO: WEBBER WENTZEL
(Attorneys for 5th Respondent)
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AND TO: WERKSMANS INC
(Attorneys for 3rd Respondent)

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Tel: 021 405 5100

AND TO: **JOHAN VICTOR ATTORNEYS LITIGATORS**
Attorneys for the Eighth and Tenth Respondents
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