

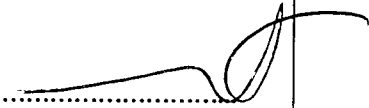
## REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA,  
GAUTENG DIVISION,  
PRETORIA

28/7/15

CASE NO: 2015/11797

(1)	REPORTABLE: YES / <u>NO</u>
(2)	OF INTEREST TO OTHER JUDGES: YES / <u>NO</u>
(3)	REVISED. <u>✓</u>
<div style="display: flex; justify-content: space-between;"> <div> <u>28-7-15</u> DATE         </div> <div>  SIGNATURE         </div> </div>	

In the matter between:

STEFAN WINTERBOER

APPLICANT

and

CX3 DEVELOPERS CC

1<sup>ST</sup> RESPONDENT

ASTRID LAURA NEEB

2<sup>ND</sup> RESPONDENT

CAREL ALBERT EDUARD NEEB

3<sup>RD</sup> RESPONDENT

STANDARD BANK OF SOUTH AFRICA LIMITED

4<sup>TH</sup> RESPONDENT

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

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WRIGHT J

1. The applicant is a businessman. He is a one third interest holder in the 1<sup>st</sup> respondent close corporation. The second and third respondents are the other interest holders. The fourth respondent bank does not oppose any relief

sought. The applicant says that he was defrauded by the second and third respondents, they having tricked him into relinquishing his signing powers over the 1<sup>st</sup> respondent's bank account with the intention of using the 1<sup>st</sup> respondent's funds for their own benefit and to the prejudice of creditors of the 1<sup>st</sup> respondent. His signing powers were restored at some point by an agreed court order. The second and third respondents deny the allegations of fraud. It is not necessary for me to find fraud. What is before me is only the question of whether or not the 1<sup>st</sup> respondent should be wound up. It cannot be said that the applicant is the cause of the impasse.

2. The applicant has shown beyond any doubt that the members of the first respondent are in deadlock. They agree on almost nothing, they have not been able to meet, the allegations and counter-allegations are very serious and are unresolvable between them. The first respondent has creditors who are prejudiced or may be prejudiced by this state of affairs. The first respondent is in substance a partnership in collapse. There is mistrust, tension and deadlock. Compare **Sader v Warda Butchery 2008 JDR 0387 (N)** at paragraph 11. It matters not that the second and third respondents are in agreement with each other. What matters is that there are two opposing sides who can't get along to the extent indicated above.

### 3. ORDER

The first respondent close corporation is wound up.



**GC WRIGHT J**  
**JUDGE OF THE HIGH COURT,**  
**GAUTENG DIVISION,**  
**PRETORIA**

On behalf of the Applicant:

Adv M Coetsee

Instructed by:

ML Schoeman Attorneys

012 562 9900

On behalf of the Respondent:

Adv H Van Zyl

Instructed by:

De Bryun & De Kock Inc

086 133 2335

Date of Hearing:

28 July 2015

Date of Judgment:

28 July 2015