

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

CASE NO: 5261/2013

In the matter between:

Ian Donald Brakspear

Applicant

and

West Dunes Properties (Pty) Ltd

1st Respondent

Ned Group Trust (Jersey) Limited

2nd Respondent

SUMMARY

KGOMO J

Application for declaratory order that provisional winding-up order of the respondent dated 23 December 2008 was a nullity or null and void ab initio

Allegations by applicant that case upon which provisional order was based neither served in court or before a Judge on 23 December 2008 and that

the provisional and final winding-up order of the respondent was a worthless piece of paper as it was fictitious based on fraud and on manufactured or tampered evidence found to be without any basis.

Held, that the applicant's application was based on unsubstantiable hearsay evidence and thus baseless

Held further, that applicant's contention and allegation of impropriety in the form of fraud, forgery and improper collusion by and between his attorney, advocate as well as several functionaries of the Nedbank Group of Companies lacked any substance and deserve to be rejected.

Held further, that the application stood to be dismissed with costs.