



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: 27 November 2008

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

Johannes Frederick Kloppe N.O. v The Master of the High Court

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The Supreme Court of Appeal today dismissed an appeal against a judgment of the Pretoria High Court in which an application for the review of the respondent's decision in refusing the appellant's request for an increased fee in terms of s 63(1) of the Insolvency Act 24 of 1936 was dismissed.

The appellant was appointed trustee of the insolvent estate which consisted of only an immovable property sold by public auction. Although the administration of the estate was not of a complex nature, the appellant applied for an increase in remuneration on the basis that he and his staff had worked on the matter for approximately 29 hours. The nub of the appellant's argument was that, even though this was an avowedly simple and straight-forward liquidation, to mount a liquidation operation at all, required a complex business infrastructure which should automatically qualify for increased remuneration. This Court rejected such argument and held that in determining whether good cause existed justifying the increase of the appellant's

remuneration or not, the respondent had to consider all the facts which had a bearing on the administration of the estate. This included time and effort together with the degree of complexity of the duties. The time factor could not be considered in isolation nor could it be regarded as an overriding factor. The court accordingly held that the respondent did not exercise her discretion improperly when she concluded that no good cause had been shown to justify the increased remuneration.