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PROVISIONAL LIQUIDATION

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

**Case Number: 6378/2021**

BEFORE THE HONOURABLE ACTING JUDGE VAN EEDEN  
CAPE TOWN: **30 APRIL 2021**

In the matter between:

**YANIC KLUE**  
(ID No.: 830515 0147 08 5)

Applicant

and

**DUTCH MANOR (PTY) LTD**  
(Reg No.: 2000/005085/07)

First Respondent

**MAIN / PRINCIPAL PLACE OF BUSINESS**  
*158 Buitengracht Street, CAPE TOWN, 8001*

**REGISTERED ADDRESS:**  
*44 Joyce Street, Alberante, ALBERTON, GAUTENG, 1457*

**MARK KITCHENBRAND N.O.**  
(In his capacity as trustee for the time being  
of the MD Kitchenbrand Family Trust (IT 220))

Second Respondent

**NAOMIE ELIZABETH KITCHENBRAND N.O.**  
(In her capacity as trustee for the time being  
of the MD Kitchenbrand Family Trust (IT 220))

Third Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION,  
CAPE TOWN

Private Bag X9020, Cape Town 8000

2021-05-03

WCD-005

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION,  
CAPE TOWN

DRAFT ORDER

After reading the papers filed of record and hearing counsel for the Applicant, it is hereby Ordered that:

1. Condonation is granted for the non-compliance by the Applicant of the rules pertaining to time periods and service.
2. The First Respondent be provisionally wound up.
3. A *rule nisi* is issued, calling upon the Respondent and all interested parties to give reasons, or show cause, if any, to the above Honourable Court on **FRIDAY, 28 MAY 2021** as to why:
  - 3.1. The First Respondent should not be finally liquidated; and
  - 3.2. The costs of this application on a scale as between attorney and client, should not be costs in the liquidation of the First Respondent.
4. In terms of the provisions of Section **19** of the Insolvency Act **24** of **1936**, read with section **339** of the Companies Act **61** of **1973**:

4.1. The Registrar shall transmit a copy of the winding-up order to the Sheriff.

The Sheriff shall attach all property which appears to



belong to the First Respondent and shall transmit to the Master an inventory of all property attached by him or her in terms of Section **19** of the Insolvency Act **24** of **1936**.

5. Service and publication of the provisional winding-up order shall be affected as follows:

5.1. By Service by the Sheriff on:

5.1.1. the principal place of business of the First Respondent at **158** Buitengracht Street, CAPE TOWN;

5.1.2. the registered office of the First Respondent at **44** Joyce Street, Alberante, ALBERTON, GAUTENG;

5.1.3. the South African Revenue Services at **22** Hans Strijdom Avenue, CAPE TOWN;

5.1.4. the Master of the High Court at Dullah Omar Building, **45** Castle Street, CAPE TOWN;

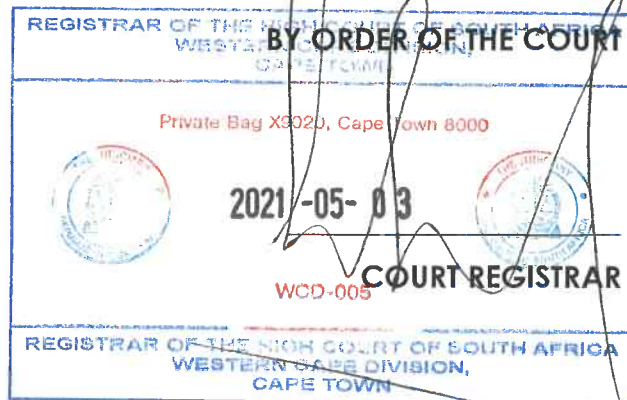
5.1.5. the employees of the First Respondent, if any;

and



5.1.6. on all registered trade unions representing the employees of the First Respondent, if any.

5.2. By **1 (one)** publication in each of the Cape Times and *Die Burger* newspapers.



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