



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

CASE NO.: D6382/2024

BEFORE THE HONOURABLE ACTING JUSTICE GWAGWA

AT DURBAN ON 19th AUGUST 2024

IN THE MATTER BETWEEN:

SUTHERLAND TRANSPORT (PTY) LTD

APPLICANT

AND

PEYTON FREIGHT (PTY) LTD

2024 -08- 23

1st RESPONDENT

AMITH SHEONARAIN

KZNLD-DRN-002

2nd RESPONDENT

UPON the Motion of Counsel for the Applicant and upon reading the *NOTICE OF MOTION* and the other documents filed of record

IT IS ORDERED

1. That the first respondent be placed under provisional winding-up in the hands of the Master of the above Court;
2. That a rule nisi be issued calling upon all interested parties to show cause, if any, to the above Court, on 13 November 2024 as to the reasons why:
 - 2.1. A final order of winding-up of the first respondent should not be granted; and
 - 2.2. The costs of this application, on an attorney and client scale, should not be costs in the winding -up of the first respondent.
3. This order, together with a copy of the Notice of Motion and annexures thereto must be served on the first respondent.

4. A copy of this order must further be served on:
 - 4.1. Any registered trade union that as far as the Sheriff can reasonably ascertain, represents any of the employees of the First Respondent;
 - 4.2. The first respondent's employees, if any, by affixing a copy of the order and the application to any notice board to which the employees have access, inside the first respondent's premises, or if there is no access to the premises by the employees, by affixing a copy to the front gate, where applicable, failing which, to the front door of the premises from which the first respondent conducts any business; and
 - 4.3. The South African Revenue Service.
5. The Sheriff must ascertain whether the employees of the first respondent are represented by a trade union and whether there is a notice board on the premises, to which employee have access.
6. That this order be without delay published in the Government Gazette and a local newspaper.
7. That the costs of this application on an attorney and client scale shall be paid out of the estate of the first respondent, save in the event of opposition, in which event the applicant will request the court to order such opposing party(ies) to pay the costs of the application on an attorney and client scale.

BY ORDER OF THE COURT

MACGREGOR ERASMUS ATTORNEYS.
/nps

