

COURT ONLINE COVER PAGE

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

CASE NO: 2026-031780

In the matter between:

**Gerhard Conrad Albertyn NO ,Trevor
John Murgatroyd NO ,Petrus Francois
Van Den Steen NO**

Plaintiff / Applicant / Appellant

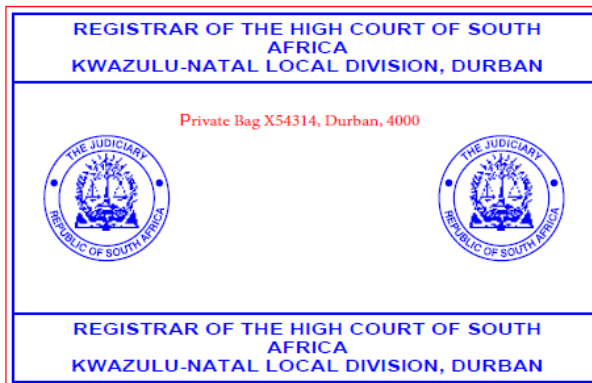
and

**Tongaat Hulett Limited,The Affected
Persons**

Defendant / Respondent

Notice of Motion (Long Form)

NOTE: This document was filed electronically by the Registrar on 12/2/2026 at 10:50:23 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High Court,
KwaZulu-Natal, Durban.**

IN THE HIGH COURT OF SOUTH AFRICA
KWA-ZULU NATAL DIVISION, DURBAN

CASE NUMBER: _____

In the matter between:

GERHARD CONRAD ALBERTYN N.O

First Applicant

TREVOR JOHN MURGATROYD N.O

Second Applicant

PETRUS FRANCOIS VAN DEN STEEN N.O

Third Applicant

and

TONGAAT HULETT LIMITED
(IN BUSINESS RESCUE)

First Respondent

THE AFFECTED PERSONS

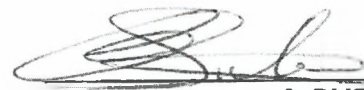
Further Respondents



CERTIFICATE OF URGENCY

I, the undersigned, **A SUBEL SC**, an Advocate of the above Honourable Court do hereby confirm that I have read the application papers and I am of the belief that the matter is sufficiently urgent to warrant a hearing in terms of Rule 6(12) of the Uniform Rules of Court and for the application to be set down for hearing on 27 February 2026 at 10h00 or so soon thereafter as counsel may be heard.

DATED at **SANDTON** on this the th **11** day of **FEBRUARY 2026**.



A SUBEL SC
Senior Counsel for Applicants



WERKSMANS ATTORNEYS
Applicants' Attorneys
The Central, 96 Rivonia Road
Sandton
Tel: 011 535 8124
Fax: 011 535 8600
Email: lsilberman@werksmans.com
Ref: L Silberman/TONG7409.26
c/o EVH INC ATTORNEYS
Unit 4 Holwood Crescent
Holwood Park
La Lucia Ridge
Umhlanga
Tel: 031 492 7971
Email: erik@evhinc.co.za



TO:
THE REGISTRAR OF THE ABOVE HONOURABLE COURT
Kwa-Zulu Natal Division, Durban

IN THE HIGH COURT OF SOUTH AFRICA
KWA-ZULU NATAL DIVISION, DURBAN

CASE NUMBER: _____

In the matter between:

GERHARD CONRAD ALBERTYN N.O

First Applicant

TREVOR JOHN MURGATROYD N.O

Second Applicant

PETRUS FRANCOIS VAN DEN STEEN N.O

Third Applicant

and

TONGAAT HULETT LIMITED
(IN BUSINESS RESCUE)

First Respondent

THE AFFECTED PERSONS

Further Respondents



NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE THAT application will be made to the above Honourable Court on the **27TH** day of **FEBRUARY 2026** at **09H30** or so soon thereafter as counsel may be heard for an order in the following terms: -

- 1 That this application be heard as a matter of urgency in terms of Uniform Rule of Court 6(12)(a) and that the Court condones the applicants' failure to comply with the time limits and forms of service.

- 2 That the first respondent's business rescue be discontinued and that the first respondent be placed under provisional winding-up.
- 3 That the applicants be granted leave to cite the further respondents collectively as a group.
- 4 That a *rule nisi* be issued calling upon the first respondent and all affected persons to show cause, if any, to the Court on a date to be determined by the Court, why: -



- 4.1 the first respondent should not be finally wound-up; and
- 4.2 the costs of this application, subject to 6 below should not be costs in the winding-up.
- 5 That service of the order be effected: -
 - 5.1 on the first respondent by the Sheriff at its registered address situated at Amanzimnyama Hill Road, Tongaat, Kwa-Zulu Natal;
 - 5.2 on the affected persons identified in annexure "FA5" to the applicants' founding affidavit by way of email where known;
 - 5.3 by publication on the first respondent's website;

- 5.4 by one publication in the Business Day newspaper; and
- 5.5 by one publication in the Natal Mercury in English and Zulu;
- 6 That any party/ies that oppose/s this application or the order for final winding-up pay/s the costs occasioned by such opposition, jointly and severally on a party and party scale including the costs of two counsel (including one senior counsel) on Scale C; and
- 7 That the Master of the High Court of South Africa, Kwa-Zulu Natal Division is requested to make an urgent appointment of a provisional liquidator immediately on the granting of this order;
- 8 Such further and/or alternative relief as the Court may deem fit.



TAKE NOTICE FURTHER THAT the affidavit of **GERHARD CONRAD ALBERTYN N.O.** and annexures will be used in support of this application.

TAKE NOTICE FURTHER THAT the applicants have appointed the offices of **Werksmans Attorneys** of The Central, 96 Rivonia Road, Sandton c/o **EVH Inc Attorneys**, Unit 4 Holwood Crescent, Holwood Park, La Lucia Ridge, Umhlanga as the address for service of all processes and documents in these proceedings.

TAKE NOTICE FURTHER THAT should you wish to oppose this application, you are required to -

- 1 notify the applicants' attorney of record, Ms L Silberman (Tel: 011 535 8134 and email: lsilberman@werksmans.com) of your intention to oppose to do so by no later than **13 February 2026 at 17:00** in which notice you are to reflect an address for service as contemplated by Rule 6(5)(b) of the Uniform Rules of Court; and
- 2 deliver an answering affidavit, if any, by not later than **Tuesday, 17 February 2026 at 17h00**.

Kindly place the matter on the roll for hearing accordingly.



DATED at LA LUCIA RIDGE this the **12th** day of **FEBRUARY 2026**


WERKSMANS ATTORNEYS
Applicants' Attorneys
The Central, 96 Rivonia Road
Sandton
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Email: lsilberman@werksmans.com
Ref: L Silberman/TONG7430.26
c/o EVH INC ATTORNEYS
Unit 4 Holwood Crescent
Holwood Park
La Lucia Ridge
Umhlanga
Tel: 031 492 7971
Email: erik@evhinc.co.za

TO:
THE REGISTRAR OF THE ABOVE HONOURABLE COURT
Kwa-Zulu Natal Division, Durban

AND TO:

TONGAAT HULETT LIMITED

(First Respondent)

Amanzimnyama Hill Road

Tongaat

Kwa-Zulu Natal

Registered address and principal place of business

SERVICE BY SHERIFF

AND TO:

THE EMPLOYEES AND/OR TRADE UNIONS OF THE RESPONDENT

TONGAAT HULETT LIMITED

(First Respondent)

Amanzimnyama Hill Road

Tongaat

Kwa-Zulu Natal

Registered address and principal place of business

SERVICE BY SHERIFF



AND TO:

THE MASTER OF THE HIGH COURT

2 Devonshire Place

Durban Central

Durban

SERVICE BY HAND

AND TO:

THE SOUTH AFRICAN REVENUE SERVICES

Email: ContactUs@sars.gov.za / highcourtlitigation@sars.gov.za /

lbester@sars.gov.za / liquidations@sars.gov.za

SERVICE BY EMAIL

AND TO:

COMPANIES AND INTELLECTUAL PROPERTY COMMISSION

Block F

The DTIC Campus

77 Meintjies Street

Sunnyside

Pretoria

Email: liquidations@cipc.co.za

SERVICE BY EMAIL