



Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

CASE INFORMATION

Case name:	Esther Nomvuyo Feni v Phillip Tommy Gxothiwe & another	Case no: 2369/2013
Judge:	Plasket J	
Division:	Eastern Cape High Court, Grahamstown	
Nature of matter:	<p>Application for relief in terms of s 36 and s 49 of the Close Corporations Act 69 of 1984.</p> <p>Applicant and first respondent were both members of the CC. In essence the first respondent has hijacked the close corporation from applicant. Applicant has established a case in terms of section 49 that is oppressive conduct by first respondent preventing applicant from adducing evidence of fair value of member's interest for purpose of order that first respondent sell his member's interest to applicant. The order was granted divesting first respondent of management of close corporation, ordering him to give applicant access to records and books, and to property of close corporation, and to manage it. The case was then postponed to return day so that applicant can adduce evidence of fair value of first respondent's member's interest.</p>	
Order:	<p>Pending the sale of the first respondent's member's interest in the second respondent to the applicant, the first respondent is divested of the right to manage the business of the second respondent, to operate any of its accounts and to enter into any contracts on its behalf. See the complete order in the judgment.</p>	
	<p>Delivered on: 7/11/13</p>	