

CASE NO 9670/2008
IN THE HIGH COURT OF SOUTH AFRICA
DURBAN AND COAST LOCAL DIVISION
BEFORE THE HONOURABLE Madam JUSTICE NILES-DUNÉR
AT DURBAN ON THE 18 AUGUST 2008

IN THE MATTER BETWEEN:-

LA LUCIA SANDS SHAREBLOCK LIMITED APPLICANT

AND

FLEXI HOLIDAY CLUB 1ST RESPONDENT
(REQUISITIONIST 10)

TRAFALGAR HOLIDAY RESORTS (PTY) LTD 2ND RESPONDENT
(REQUISITIONIST 49)

STUART JOHN LAMONT 3RD RESPONDENT
(TRUSTEE OF CLUBS)

ANTHONY NICHOLAS RIDL 4TH RESPONDENT
(TRUSTEE OF CLUBS)

PANOS GEORGE PIERIDES 5TH RESPONDENT
(REQUISITIONIST 35/37)

JAMES ALFRED CROSWELL 6TH RESPONDENT
(REQUISITIONIST 5)

MAGIC BREAKAWAYS VACAION CLUB 7TH RESPONDENT
(REQUISITIONIST 25)

MULTI RESORTS OWNERSHIP PROPERTY TRUST 8TH RESPONDENT
(REQUISITIONIST 33)

PREMIER VACATION CLUB 9TH RESPONDENT
(REQUISITIONIST 42)

ARROWWOOD INTERNATIONAL
(PTY) LTD 10TH RESPONDENT
(REQUISITIONIST 2)

AND

CITED FOR THEIR INTEREST IN THE MATTER:-

ANDERSON PJ (REQUISITIONIST 1) 11TH RESPONDENT

BOTHMA BC (REQUISITIONIST 3) 12TH RESPONDENT

BAKOS A V (REQUISITIONIST 4)	13 TH RESPONDENT
DUFF G W (REQUISITIONIST 6)	14 TH RESPONDENT
DALY D G (REQUISITIONIST 7)	15 TH RESPONDENT
D'AMOTO G ((REQUISITIONIST 8)	16 TH RESPONDENT
DREAM VACATION CLUB (REQUISITIONIST 9)	17 TH RESPONDENT
FLITTON L M (REQUISITIONIST 11)	18 TH RESPONDENT
GROENEWALD J (REQUISITIONIST 12)	19 TH RESPONDENT
GRIGOROVA B ((REQUISITIONIST 13)	20 TH RESPONDENT
GARDNER I R (REQUISITIONIST 14)	21 ST RESPONDENT
GALVAD G (REQUISITIONIST 15)	22 ND RESPONDENT
GALGOR (REQUISITIONIST 16)	23 RD RESPONDENT
HANMAG 32 (EDMS) LTD (REQUISITIONIST 17)	24 TH RESPONDENT
HOOKER R A (REQUISITIONIST 18)	25 TH RESPONDENT
HAWTON J G (REQUISITIONIST 19)	26 TH RESPONDENT
JANSE VAN RENSBURG JJ (REQUISITIONIST 20)	27 TH RESPONDENT
JORDAAN L (REQUISITIONIST 21)	28 TH RESPONDENT
KAHN L (REQUISITIONIST 22)	29 TH RESPONDENT
LEISURE HOLIDAY CLUB (REQUISITIONIST 23)	30 TH RESPONDENT
LENTZ J P G (REQUISITIONIST 24)	31 ST RESPONDENT
MARTIN F A (REQUISITIONIST 26)	32 ND RESPONDENT
MILLS R.M. (REQUISITIONIST 27)	33 RD RESPONDENT
MULLINEUX W J (REQUISITIONIST 28)	34 TH RESPONDENT
MULAN M A (REQUISITIONIST 29)	35 TH RESPONDENT
MAVRONICHOLAS A (REQUISITIONIST 30)	36 TH RESPONDENT
MAVRONICHOLAS E P (REQUISITIONIST 31)	37 TH RESPONDENT



MICHAELMORE RD & NAPIER G C (REQUISITIONIST 32)	38 TH RESPONDENT
NICHOLSON M A & J C (REQUISITIONIST 34)	39 TH RESPONDENT
PIERIDES G (REQUISITIONIST 36)	40 th RESPONDENT
PIERIDES P & KRASE E K (REQUISITIONIST 37)	41 ST RESPONDENT
PHILIPS G (REQUISITIONIST 38)	42 ND RESPONDENT
PESTANA C (REQUISITIONIST 39)	43 RD RESPONDENT
PEARCE M M (REQUISITIONIST 40)	44 TH RESPONDENT
PHOENICIAN GOLF CLUB (REQUISITIONIST 41)	45 TH RESPONDENT
SURTEES J A (REQUISITIONIST 43)	46 TH RESPONDENT
SCOGNAMIGLIO G (REQUISITIONIST 44)	47 TH RESPONDENT
SMIT T K (REQUISITIONIST 45)	48 TH RESPONDENT
SIMPSON L M (REQUISITIONIST 46)	49 TH RESPONDENT
SELSICK D (REQUISITIONIST 47)	50 TH RESPONDENT
TRAUB S H (REQUISITIONIST 48)	51 ST RESPONDENT
VENTER H J M A (REQUISITIONIST 50)	52 ND RESPONDENT
VERMAAK P L (REQUISITIONIST 51)	53 RD RESPONDENT
WHITE J (REQUISITIONIST 52)	54 TH RESPONDENT
WINGATE PEARSE M A (REQUISITIONIST 53)	55 TH 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 THAT:-

1.

A Rule nisi is issued calling upon the Respondents to show cause, if any, on 26 September 2008 why an order should not be made in the following terms:-



- 1.1 Interdicting the Respondents, pending the final determination of the trial referred to in paragraph 1.2 below, from holding or causing to be held a meeting of the Applicant pursuant to a notice dated 17 June 2008 issued by and on behalf of the Respondents;
- 1.2 Interdicting the Respondents from convening, requisitioning or holding any meeting, the business of which is or will be to consider the removal of the directors of the Applicant pending the final determination of the trial set down for hearing in the Durban and Coast Local Division on 26 to 28 November 2008 pursuant to the order granted by His Lordship Mr Justice Hugo on 28 August 2006 in the matter between Flexi Holiday Club, Trafalgar Holiday Resorts, (Pty) Limited and Star Vacation Club v La Lucia Sands Share Block Limited under case number 19/2002 ("the trial");
- 1.3 Directing that the orders set out in paragraphs 1.1 and 1.2 operate as interim interdicts until the trial is finally decided and the matter between Batstone and Crosswell v La Lucia Sands Share Block Limited under case number 1812/2007 in the Durban and Coast Local Division is finally decided, whichever is the later;
- 1.4 Directing the First to Tenth Respondents to pay the costs of this application jointly and severally and on the scale as between attorney and client, the one paying the others to be absolved;
- 1.5 Directing that, in the event of any of the other Respondents cited herein as the 11th to 55th Respondents opposing the relief sought in this application, their costs also to be paid by the First to Tenth Respondents.

2.

Pending the final determination of this application the Respondents are interdicted from holding any meeting of the shareholders of the Applicant.

3.

That all questions of costs are reserved for decision by the Court finally determining the matter.

BY ORDER OF THE COURT

PIP
B. CHETTY
ACT. ASST. REGISTRAR

GEORGE WOLFE
C/O GRUNDLINGH ATTORNEYS (WO)

REGISTRAR VAN DIE HOOGGEREGTE GERECHTSHOF VAN S.A. PRIVAATSAK/PRIVATE BAG X54314 2008 -08- 21 DURBAN 4000 REGISTRAR OF THE HIGH COURT OF S.A.
