

**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG LOCAL DIVISION, JOHANNESBURG**

Case No: 42334/14

In the application of:

**JURIE JOHANNES GELDENHUYS**

First Applicant

**ARTHUR BRADY COCHRANE**

Second Applicant

**SHARON ANN VLOK**

Third Applicant

and

**ORTHOTOUCH LIMITED**

First Respondent

**DEREK PEDOE COHEN N.O.**

Second Respondent

**HANS KLOPPER N.O.**

Third Respondent

**HIGHVELD SYNDICATION NO 15 LTD**

Fourth Respondent

**HIGHVELD SYNDICATION NO 16 LTD**

Fifth Respondent

**HIGHVELD SYNDICATION NO 17 LTD**

Sixth Respondent

**HIGHVELD SYNDICATION NO 18 LTD**

Seventh Respondent

**HIGHVELD SYNDICATION NO 19 LTD**

Eighth Respondent

**HIGHVELD SYNDICATION NO 20 LTD**

Ninth Respondent

**HIGHVELD SYNDICATION NO 21 LTD**

Tenth Respondent

**HIGHVELD SYNDICATION NO 22 LTD**

Eleventh Respondent

("the Highveld Companies")

<b>NICOLAS GEORGIU</b>	Twelfth Respondent
<b>ZEPHAN PROPERTIES (PTY) LTD</b>	Thirteenth Respondent
<b>NICOLAS GEORGIU N.O.</b>	Fourteenth Respondent
<b>MAUREEN LYNETTE GEORGIU N.O.</b>	Fifteenth Respondent
<b>JOSEPH CHEMALY N.O.</b>	Sixteenth Respondent
<b>GEORGE NICOLAS GEORGIU</b>	Seventeenth Respondent
<b>MICHAEL NICOLAS GEORGIU</b>	Eighteenth Respondent
<b>HENDRIK JACOBUS MYBURGH</b>	Nineteenth Respondent
<b>BOSMAN &amp; VISSER (PTY) LTD</b>	Twentieth Respondent
<b>PICKVEST (PTY) LTD</b>	Twenty-first Respondent
<b>HEINRICH PIETER MOLLER</b>	Twenty-second Respondent
<b>WILLEM MORKEL STEYN</b>	Twenty-third Respondent
<b>BAREND STEFANUS VAN DER LINDE</b>	Twenty-fourth Respondent
<b>FREDERICK JULIUS REICHEL</b>	Twenty-fifth Respondent
<b>EUGENE KRUGER INC.</b>	Twenty-sixth Respondent
<b>THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION OF SOUTH AFRICA (CIPC)</b>	Twenty-seventh Respondent

And

**THE HIGHVELD SYNDICATION INVESTORS**

(“the main application)

In re:

The ex parte application of:

**ORTHOTOUCH LIMITED**

**(REGISTRATION NUMBER: 2010/004096/06)**

Application for the sanctioning of a Scheme of arrangement in terms of section 155(7) of the Companies Act, No. 71 of 2008

(“the ex parte application”)

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**NOTICE OF MOTION**

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**TAKE NOTICE** that application will be made to the above Honourable Court on Tuesday 28 February 2017 at 10:00 or as soon thereafter as the matter may be heard, for the following relief:

1. That this application be heard as one of urgency and that the Honourable Court in accordance with Rule 6 (12) dispense with the normal rules with regard to forms and service.
  
2.
  - 2.1. That it be declared that the “Notice of Withdrawal of Application”

(dated 10 November 2016, and served 16 November 2016) constitutes an irregular step and is hereby set aside.

- 2.2. That it be declared that the “Notice of Substitution as Attorneys of Record” (also dated 10 November 2016 and served on 16 November 2016) constitutes an irregular step and is hereby set aside.
3. That it be declared that the main application issued in March 2015 under the above case number is not withdrawn and has never been withdrawn.
4. In the alternative to paragraph 2 to 3 above, that the said two Notices be declared to be irregular and of no force and effect, and that it be declared that the main application issued in March 2015 under the above case number is not withdrawn and has never been withdrawn.
5. Costs of this application to be paid by Twelfth Respondent and all other Respondents who oppose the application, jointly and severally, including the cost of two counsel.
6. Further and/or alternative relief.

**BE PLEASED TO TAKE FURTHER NOTE THAT** the accompanying affidavit of Jacques Brink Theron and others will be used in support of this application.

**TAKE FURTHER NOTICE THAT** if you intend opposing this application you are required:

- a) to file notice of opposition within 10 (ten) days of receiving notice of this Application;

b) and to file your answering affidavits, if any, by 26 January 2017.

If you do not oppose this application, same will (still) be brought on 28 February 2017 at 10 o'clock as indicated above.

**DATED** at JOHANNESBURG on this \_\_\_\_\_ day of December **2016**.

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**THERON AND PARTNERS**  
**(Applicants' Attorneys)**  
**Alexander III Building**  
**18 Alexander Street**  
**STELLENBOSCH**  
**Ref: JB THERON/jmt/H080359**

**C/O: BDK ATTORNEYS**  
Ground Floor  
3 Ninth Street  
Houghton Estate  
JOHANNESBURG

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**TO: THE REGISTRAR OF THE SOUTH GAUTENG HIGH COURT**  
Gauteng High Court  
Johannesburg

AND TO: **NATALIE LUBBE & ASSOCIATES**

First Respondent's Attorneys

Tel 011 704 1563

Fax 086 688 9555

AND TO: **ZWIEGERS ATTORNEYS**

Second Respondent's Attorneys

Tel: 011 325 2207

Email: [corrie@zwiegers.co.za](mailto:corrie@zwiegers.co.za)

AND TO: **FABER GOËRTZ ELLIS AUSTEN INC**

Third to Eleventh Respondents' Attorneys

Tel: 011 5903378

Fax: 011 267 2701

AND TO: **KYRIACOU INC**

Twelfth to Sixteenth and Twenty Fourth Respondents' Attorneys

Tel 011 444 2665

Fax 086 653 5677

Email: [legal@kincorporated.co.za](mailto:legal@kincorporated.co.za)

AND TO: **EG COOPER MAJIEDT**

Seventeenth and Eighteenth Respondents' Attorneys

Email: [st@egc.co.za](mailto:st@egc.co.za)

AND TO: **ROOTH & WESSELS ATTORNEYS**

Nineteenth to Twenty First, Twenty Fifth

And Twenty Sixth Respondents' Attorneys

E-mail: [graemep@roothwessels.co.za](mailto:graemep@roothwessels.co.za)

- AND TO: **GILDENHUYS MALATJI INC**  
Twenty Second Respondent's Attorneys  
Tel 012 428 8600  
E-mail: [wckillers@gminc.co.za](mailto:wckillers@gminc.co.za)
- AND TO: **VAN GREUNEN & ASSOCIATES**  
Twenty Third Respondent's Attorneys  
Tel: 012 661 2065  
Fax: 012 661 5494
- AND TO: **JEFF DONENBERG & CO**  
"1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup>" Applicants' Attorneys  
59 1<sup>ste</sup> Avenue East  
Parktown North  
JOHANNESBURG  
Tel: (011) 422 5700/1  
Email: [jedon@iafrica.com](mailto:jedon@iafrica.com)  
Ref.: J Donenberg
- AND TO: **POLSON ROSS ATTORNEYS**  
19<sup>th</sup> to 21<sup>st</sup> and 25<sup>th</sup> to 26<sup>th</sup> Respondents  
The Woodlands Office Park  
Building 14, First Floor  
20 Woodlands Street  
WOODMEAD  
JOHANNESBURG
- AND TO: **FIRST APPLICANT**  
JURIE GELDENHUYS  
E-mail: [jgeldenhuys>tagri.co.za](mailto:jgeldenhuys>tagri.co.za) (BY EMAIL)

AND TO: **SECOND APPLICANT**

ARTHUR BRADY COCHRANE

E-mail: johndennison@johndennison.co.za (BY EMAIL)

AND TO: **THIRD APPLICANT**

SHARON ANN VLOK

E-Mail: sharonannvlok@gmail.com ( BY EMAIL)