

SOUTH AFRICA / JUDGMENT

Dadabhay and Another v Moosa and Others (10847/08) [2009] ZAGPPHC 343 (23 March 2009) [2009] ZAGPPHC 343

COURT

North Gauteng High Court, Pretoria

BEFORE

Louw

CASE / FILE NUMBER

10847/08

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IN

THE HIGH COURT OF SOUTH AFRICA

NORTH

GAUTENG PRETORIA

Date

heard: 23 March 2009

Case

Number 10847/08

In

the matter between

AHMED

SULIMAN DADABHAY

First

Applicant

ROCKEYA

SULIMAN DADABHAY

Second

Applicant

and

AKHTER

MOOSA

First

Respondent

FAZILA

DADABHAY PARUK

Second

Respondent

ISMAIL

SULIMAN DADABHAY

Third

Respondent

SAYDA

(AKA SAIDA BANO)

Fourth

Respondent

DADABHAY

NAFISAH

DADABHAY OMARJEE

Fifth

Respondent

RASHID

SULIMAN DADABHAY

Sixth

Respondent

NORMAD

INVESTMENTS

Seventh

Respondent

THE

REGISTRAR OF DEEDS: Eighth
Respondent
PRETORIA
THE

MASTER OF THE HIGH
COURT: Ninth
Respondent

JUDGMENT

LOUW J

1. In this case number 10847/08 which was known as the 'Vlakfontein application' the second respondent applied for an order that the Vlakfontein case be referred to the same court hearing case number 55836/07 The latter is the case in which I have just given judgment and which I have referred to trial These two applications were heard together on 23 March 2009.

2. To this application that the cases to be heard together there is no real opposition Mr Eloff SC for the first and second applicants suggested that the costs be reserved However the second respondent asks that the costs of this application be paid by the first respondent Including the costs consequent on the employment of two counsel.
3. There was no real opposition to this application although the attitude of the first respondent could be described as ambivalent. The first respondent who is the court - appointed trustee simply filed a brief opposing affidavit because the second respondent sought costs against him.
4. I am not inclined to grant such costs. The first respondent is a disinterested party appointed by the court to attempt to solve the dispute. He says in his second affidavit in the 2007 case that he has no interest in the matter nor does he harbour any fear of or favour for any of the beneficiaries of the trust. On his version as it stands he has done what he could to execute his mandate and was met by many obstacles.
5. It is further so that this is a very simple application which in any event could not have justified the costs of two counsel.
6. I do not intends to matte any cost order in regard to this application

I therefore order as follows:

1. In the second respondents application dated 6 March 2009 I order that this application be hoard simultaneously by the same court hearing case number 56836/07 which I have referred to trial
2. There is no order as to costs.

A.A LOUW

JUDGE OF THE HIGH COURT

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