

SOUTH AFRICA / JUDGMENT

Insurance Underwriting Managers (Pty) Ltd and Another v Blue Crest Holdings (Pty) Ltd and Others (54327/2021; 38025/2021; 04842/2022) [2023] ZAGPJHC 45 (26 January 2023)

[2023] ZAGPJHC 45

COURT

South Gauteng High Court, Johannesburg

BEFORE

Mudau

CASE / FILE NUMBER

54327/2021; 38025/2021; 04842/2022

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and SAFLII Policy

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

Case Numbers: 54327/2021; 38025/2021; 04842/2022

REPORTABLE: NO

OF INTEREST TO OTHER JUDGES: YES

REVISED: YES

26 January 2023

In the matter between:

INSURANCE UNDERWRITING MANAGERS (PTY) LTD First Applicant

MONT BLANC FINANCIAL SERVICES (PTY) LTD Second Applicant

and

BLUE CREST HOLDINGS (PTY) LTD First

Respondent

NI JOFFE (RETIRED JUDGE) N.O Second

Respondent

ARBITRATION FOUNDATION OF SOUTHERN AFRICA Third Respondent

BLUE CREST HOLDINGS (PTY) LTD Applicant

INSURANCE UNDERWRITING MANAGERS (PTY) LTD First Respondent

MONT BLANC FINANCIAL SERVICES (PTY) LTD Second Respondent

M JOFFE (RETIRED JUDGE) N. O Third Respondent

(In his capacity as appointed arbitrator by the Fourth Respondent)

ARBITRATION FOUNDATION OF SOUTHERN AFRICA Fourth Respondent

Coram: MUDAU, J:

Heard: 10 October 2022

Delivered: On 26 January 2023

This judgment was handed down electronically by circulation to the parties' representatives by email, and release to SAFLII.

The date and time for hand-down is deemed to be 10 am on 26 January 2023.

Summary: Arbitration – review of award – Arbitration Act 42 of 1965, s 33(1)(a) and (b) – alleged misconduct of arbitrator – gross irregularity in the conduct of proceedings -- gross irregularity not established – applications dismissed with costs. the arbitrator's awards made an order of court in terms of Section 31(1) of the Arbitration Act

MUDAU, J:

[1] This is a consolidated hearing for three applications and a counterapplication. By the directive of the Deputy Judge President,

the applications have been consolidated as a special allocation before this Court pursuant to Rule 11 of the Uniform Rules of Court

("the Rules").

[2] In the first application (38025/21), being the section 3 of the Arbitration Act, 42 of 1965 ("the Arbitration Act" and "the application"), Insurance Underwriting Managers ("IUM") and Mont Blanc Financial Services ("MBFS") seek

substantive-related alternative orders. First, declaring that the arbitration agreements between them and a third party, Meadow Star Investments 85 (Pty) Ltd ("Meadow Star") were cancelled by consent. Second, ordering that the arbitration agreements with Meadow Star shall cease to have effect with reference to the disputes referred. Third, an order setting aside the disputes between

IUM and MBFS and Blue Crest that had been referred to arbitration (“the arbitration”). The applicants seek relief in terms of section 3(1) alternatively, section 3(2)(c), further alternatively, section 3(2)(b) of the Arbitration Act.

[1] 1993

(3) SA 654 (SE).

[2] See Eskom Holdings Limited v The Joint Venture of Edison Jehano (Pty) Ltd and KEC International Limited and Others (case no 177/2020)

[2021] ZASCA 138 (06 October 2021) at para 22.

[3] 2013

(6) SA 345 (SCA).

[4] 2013

(5) SA 1 (SCA).

[5] List v Jungers 1979 (3) SA 106 (A) at 118G–H; Coopers & Lybrand and Others v Bryant

[1995] ZASCA 64; 1995 (3) SA 761 (A) at 767I; Natal Joint Municipal Pension Fund v Endumeni Municipality 2012 (4) SA 593 (SCA) at para [18] as well as Bothma-Batho Transport (Edms) Bpk v S Bothma & Seun Transport (Edms) Bpk 2014

(2) SA 494 (SCA) at para 12.

[6] North East Finance (Pty) Ltd v Standard Bank of South Africa Ltd, n3 above at para 25.

[7]

[2006] ZASCA 112; 2007

(3) SA 266 (SCA) at para [51].

[8] See too Lufuno Mphaphuli and Associates (Pty) Limited v Andrews and Another 2009 (4) SA 529 (CC)

[9] See Vidavsky v Body Corporate of Sunhill Villas 2005 (5) SA 200 (SCA) at para 12.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZAGPJHC/2023/45.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/insurance-underwriting-managers-pty-ltd-and-another-v-blue-unknown-topic-agpjhc-2023>

Prepared on 10 October 2026 · Esheria