

## EX PARTE SLABBERT.

1909. March 16. MAASDORP, C.J., and FAWKES and WARD, JJ.

*Company.—Liquidator's appointment.—Sec. 11 of Law 2 of 1892.*

Where, on the petition of S for the appointment of B as official liquidator of a company in liquidation, and a counter-petition of other creditors for the appointment of C as co-liquidator, S opposed C's appointment, the Court appointed a third person as sole liquidator.

The Kroonstad Breweries, Ltd., had been placed in liquidation on the 1st March, 1909, on the application of the petitioner. A rule *nisi* had also been granted by the Court calling upon persons interested to show cause why one Bukes, the provisional liquidator, should not be appointed official liquidator with all powers granted under sec. 15 of Law 2 of 1892. The present application was for a final order appointing the official liquidator. The petitioner had a first mortgage over the company's immovable property for £2000. Certain unsecured creditors—namely, the Bank of Africa for £1977, 1s. 9d. and three others for small amounts—asked for the appointment of one Canisius as co-liquidator with Bukes. The latter, on receiving notice of this application, had made an affidavit opposing this counter-petition.

*Turner*, for the applicant.

*P. U. Fischer*, for the respondent.

In view of the disagreement between the parties the Court, under its powers granted by sec. 11 of Law 2 of 1892, appointed one Scrivenor as sole liquidator and ordered the costs of both parties to come out of the estate.

Applicant's Attorney: *J. H. Beyers*; Respondent's Attorney: *C. J. Reitz*.