

IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA, PRETORIA

CASE NO: CT007MAR2014

In the matter between:

SUMESHINE GOVENDER

Applicant

and

PATHER OPTOMETRISTS T/A SPEC SAVERS

MEDICROSS MIDRAND

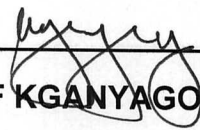
Respondent

Coram Kganyago M.F

Decision handed down on the 30th July 2015

DECISION

- [1] The applicant has brought an application in terms of section 26 of the Companies Act 71 of 2008. The applicant is seeking an order that the respondent be compelled to provide her with audited financial statements and also the official report pertaining to the calculation of their shareholding.
- [2] There is no proof that this application was served on the respondent. The applicant is relying on an oral agreement and also an agreement that was not signed by the respondent.
- [3] There is also a letter dated 11th November 2013 from the respondent's attorneys. In that letter, the respondent's attorneys are alleging that the applicant has repudiated the agreement, and they have accepted that repudiation.
- [4] Therefore in my view, the respondent has a substantial interest in the matter and should therefore be served with the application.
- [5] In the result I make following order:-
 - 5.1. The application is refused.



M.F KGANYAGO

MEMBER OF THE COMPANIES TRIBUNAL