



IN THE COMPANIES TRIBUNAL OF THE REPUBLIC OF SOUTH AFRICA

("The Tribunal")

CASE NO: CT025JUN2015

Re: In an Application in terms of Section 160 of the Companies Act 71 of 2008 ("the Act") for a determination that the company name YOUTH VIRGIN POULTRY FARMING (PTY) Ltd does not satisfy the requirements of Section 11(2) of the Act.

In the matter between:

VIRGIN ENTERPRISES LTD

THE APPLICANT

AND

YOUTH VIRGIN POULTRY FARMING (PTY) LTD

(2013/043361/07)

THE RESPONDENT

Coram K. Tootla

Decision delivered on 1 April 2016

DECISION

INTRODUCTION:

- [1] The **Applicant** whose registered place of business is British Company of the School House, 50 Brook Green, W6 and RR, London, United Kingdom, brings an application in terms of Sections 11 (2) (a); 11 (2)(b) and (c) and 160 of the Companies Act 2008 (“the Act”) read with Regulation (Reg.) 153 for an order that the Respondent change its name by removing the word VIRGIN (Refer to form CTR 142) as the Respondent’s name is undesirable (reference to the old Act).
- [2] The **Respondent** is YOUTH VIRGIN POULTRY FARMING (PTY) LTD, a company incorporated in terms of the Companies Act under registration number 2013/043361/07, and having its registered address at 3 rd 4 Narbada Close, 9647, Extention11, Gauteng, 1827.

PROCEDURE:

- [3] The application was not served on the Respondent's registered address on 29 July 2015 by the Sheriff of the Court, as the Sheriff clearly states that he was unable to serve the document. Hence the application has not come to the notice of the Respondent.
- [4] The Applicant has not made any enquiries as to the whereabouts of the Respondent nor has anything further been done by the Applicant to ascertain same.
- [5] In the circumstances, the Applicant has incorrectly brought an application for default under cover of form CTR 145, and has incorrectly advised the Tribunal under oath that the application was served on 29 February 2016.

EVALUATION:

[6] In view of the non-service, the Tribunal cannot entertain the default application nor the merits of the matter.

[7] The Applicant ought to have referred to the Regulations (2011) with regard to the service of documents in Table CR3 of Annexure 3 to the Regulations; and/or applied for substituted service depending on the circumstances.

ORDER:

[8] The application for an order in terms of section 160 and Regulation 153 of the Companies Act is refused.

k.y. tootla (electronically signed)

KHATIJA TOOTLA

Member of the Companies Tribunal

1 April 2016