

4.2 As will become evident later on in this affidavit, the Third Respondent is also an interested party to the main application as initiated by the First and Second Respondents against the Applicant.

4.3 In this application, I seek an order joining Adriana Maria van Wyk to this matter as the Third Respondent as she liable for payment towards Marboe en Seuns (Pty) Ltd (In liquidation) under Estate number G1771/2021.

FACUAL BACKGROUND

5.

5.1 On the 6 November 2020 the Applicant and the Honiball entered into a purchase agreement ("the agreement") for a mobile crane with the following particulars:

Serial number: TR-250-5-001004 TANDANO

Year model: 1994

Registration number: RYC735GP ("the crane")

5.2 The purchase consideration was agreed to be R650 000.00.

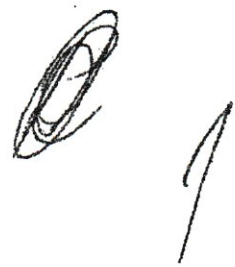


"Several defendants may be sued in one action either jointly, jointly and severally, separately or in the alternative, whenever the question arising between them or any of them and the plaintiff or any of the plaintiffs depends upon the determination of substantially the same question of law or fact which, if such defendants were sued separately, would arise in each separate action."

- 6.5 The relevant part of Section 82(8) of the Insolvency Act 24 of 1936 ("the Act") provides as follows:

"If any person...has purchased in good faith from an insolvent estate any property which was sold to him in contravention of this section...the purchase...shall nevertheless be valid, but the person who sold...the property shall be liable to make good to the estate twice the amount of the loss which the estate may have sustained as a result of the dealing with the property in contravention of this section."

- 6.6 It is not disputed the Applicant purchased the crane from Honiball in good faith and the provisions of this section should also find application in the present circumstances.

A handwritten signature, possibly 'C. J.', is written in the bottom right corner of the page.