



IN THE HIGH COURT OF SOUTH AFRICA

(EASTERN CAPE DIVISION, GQEBERHA)

On TUESDAY, the 31st day of APRIL 2026

BEFORE the Honourable Mr. Justice LOWE

Case No: 1552-2025

In the matter between:

DAVID JOHN MASTERTON N.O.

First Applicant

QUINTON PATTINSON N.O.

Second Applicant

and

KIRAN MOODLEY

First Respondent

BLUE CRANE ORGANICS (PTY) LTD

(Registration Number: 2024/578906/07)

Second Respondent

ALL AFFECTED PARTIES

(PER ANNEXURE "DM-4")

Third Respondent

Having heard on 26 February 2026, Advocate Vorster and Advocate Booyse, Counsel for the Applicant, and Advocate Solik together with Advocate Aspeling, Counsel for Respondents.

THE COURT reserved judgment.

THEREAFTER on this day:

The court made the following ruling:

1. The proceedings are stayed, pending the resolution of the process set out below;
2. It is directed that notice of this judgement and the application must be served on the employees of Proximitas Investments 60 (Pty) Ltd, such service to be effected on each such employee, as follows:
 - 2.1. By service of the notice attached hereto marked "A" (which is to be given in English, Afrikaans and isiXhosa) in the following manner:
 - a. One publication in the UD express being a newspaper circulated in the Uitenhage and Kirkwood are;
 - b. By being attached to a noticeboard on each of the farms previous owned and sold Proximitas to which the employees have access;

- c. By attaching a copy of the notice at the
 - I. Kirkwood Spar notice board
 - II. Kirkwood Municipality noticeboard;
 - III. Mabhida taxi rank
 - IV. Msengi taxi rank
 - d. By transmitting the notice per e-mail and WhatsApp to those alleged to be employees such as is provided to the Applicants by the first respondent.
3. The employees are hereby individually called upon, should they wish to participate in these proceedings, to notify the applicant's attorneys, Besters Attorneys of 50A Pickering Street, Newton Park, Gqeberha, ([Tel:041-585200](tel:041-585200)) and email: paul@besters.biz, and the Registrar of this court in writing thereof within 10 days of the notice aforesaid, and thereafter to file their affidavits(if any), upon the applicant's attorneys and at court, within 20 days of having so notified the applicants
4. The applicants are afforded an opportunity of replying to such employees' affidavits within 10 days of the filing thereof;
5. The respondents are afforded an opportunity of replying to the aforementioned affidavits (including the applicants' further replying affidavit) within 5 days of receipt of the applicants' further replying affidavit;

6. The applicants are directed to file supplementary heads, within 10 days of receipt of respondents' further answering affidavit, and the respondents and employees to file their heads of argument within 5 days thereafter;
7. It is directed that the application will be determined on all the papers, including those papers filed in due course, if any, subsequent to further argument by the relevant parties, on a date to be allocated by the presiding Judge;
8. Pending the above, judgement on the merits of the application, and the application itself, is postponed to a date to be allocated by the Registrar.
9. The costs are reserved for the court in due course.

