



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 3 September 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal.

Knoop N O and Another v Islandsite Investments 180 (Pty) Ltd and Others (260/2024); Islandsite 180 (Pty) Ltd and Another v Knoop N O and Others (746/2024) [2025] ZASCA 125 (3 September 2025).

Today the Supreme Court of Appeal (SCA) dismissed, with costs, two appeals arising from a single application in the Free State Division of the High Court, Bloemfontein (the high court).

The two appeals were heard together because they arose from the same application heard in the high court, namely an urgent application brought by Islandsite Investments 180 (Pty) Ltd (Islandsite) and Ms Ronica Ragavan N O (Ms Ragavan) in March 2023 to restrain the sale and transfer of property belonging to Islandsite. The property formed part of assets under a restraint order issued in terms of s 38 of the Prevention of Organised Crime Act 121 of 1998 as a result of a criminal prosecution that had commenced against Ms Ragavan and several other persons. Islandsite is a company under business rescue. The application in the high court consisted of Part A and Part B. Part A was for interim relief and Part B was the substantive part of the application. Part A was heard by Cronjé AJ on 20 April 2023, who granted an interim interdict order, restraining the sale and transfer of the property, pending the hearing of Part B. During the hearing of Part A, the Business Rescue Practitioners (BRPs), raised two preliminary points, namely that the high court lacked jurisdiction to adjudicate the matter because the property in dispute was situated in the Western Cape; and that Ms Ragavan lacked the necessary standing to act on behalf of Islandsite. Both preliminary points were dismissed. Part B came before Van Rhyn J on 5 and 6 December 2023. On 20 February 2024, she dismissed the application, having found, contrary to the judgment and order of Part A, that the high court had no jurisdiction to hear the matter, and that Ms Ragavan lacked standing to act on behalf of Islandsite. Consequently, the high court did not deal with the merits of the other declaratory relief sought in Part B.

The primary issue in the first appeal was the question of mootness of the interim order granted under Part A. In terms of s 16(2)(a)(i) of the Superior Courts Act 10 of 2013 an appeal may be dismissed if, at the hearing, 'the issues are of such a nature that the decision sought will have no practical effect or result'.

The SCA referred to the case of *Akani v Moropa* and found that the issues in the appeal against the order of the interim interdict in Part A, are of such a nature that the decision sought will have no practical effect. The SCA held that an interim order does not have a lifespan of its own. It is always subject to either a discharge or confirmation in due course. Therefore, the effect of the order dismissing Part B of the application was that the high court had discharged its interim order granted in Part A and there was therefore no longer any order of the high court against which an appeal could lie.

In respect of the second appeal, which arose from Part B of the application, there was firstly an application to lead new evidence on appeal by Mr Cooke, the fourth respondent in the second appeal and the party with whom the curator concluded the sale agreement for the property of Islandsite.

The SCA held that the application to lead new evidence in the second appeal complied with the three factors set out in *Asla Construction v Buffalo City Metropolitan Municipality*, namely: that there was an explanation why the evidence was not led before the high court; that there was a prima facie likelihood of the evidence being true; and that the evidence was materially relevant to the outcome of the appeal. The new evidence, namely to place on record that the property had already been transferred into Mr Cooke's name, was admitted and this introduced the question of mootness in respect of the second appeal. The transfer of the property into the name of Mr Cooke meant that Islandsite no longer owned the property and it could therefore no longer be a source of a dispute between, on the one hand, Ms Ragavan and Islandsite, and the BRPs, on the other hand. The SCA therefore held that the second appeal was also moot, because its outcome would have no practical effect.

In respect of both the first and second appeal, the SCA held that there was no discrete legal issue of public importance that arose that would affect matters in the future and on which its adjudication was required. The SCA therefore held that there was no basis to exercise its discretion to hear the two appeals despite their mootness.

The SCA, regarding costs, held as follows. In regards with the first appeal the BRPs proceeded with the appeal despite the issue of mootness raised by Ms Ragavan and Islandsite in their heads of argument and the BRPs were ordered to bear the costs of the appeal in respect of Part A. In regards with the second appeal Ms Ragavan had been made aware of the transfer of the property into Mr Cooke's name as early as 31 January 2024 and could consider the effect this development on the appeal. She nevertheless proceeded with the appeal and the SCA held that she should bear the costs of the appeal in respect of Part B. The SCA further held that Islandsite should not be mulcted in costs, as Ms Ragavan had no authority to litigate on its behalf.

As a result, the SCA in the first appeal, *Knoop N O and Another v Islandsite Investments 180 (Pty) Ltd and Others* (260/2024), dismissed the appeal with costs in terms of s 16(2)(a)(i) of the Superior Courts Act, including the costs of two counsel where applicable. Furthermore, the SCA in the second appeal, *Islandsite 180 (Pty) Ltd and Another v Knoop N O and Others* (746/2024), granted the application by the fourth respondent to adduce new evidence on appeal with costs, including costs of two counsel, to be paid by the second appellant and dismissed the appeal with costs in terms of s 16(2)(a)(i) of the Superior Courts Act, including the costs of two counsel where applicable.