



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: 17 March 2026

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

Taljaard and Another v The Land and Agricultural Development Bank of South Africa and Others
(161/2025) ZASCA29 (17 March 2026)

Today, the Supreme Court of Appeal (SCA) struck from the roll, with costs, including the costs of two counsel, an appeal arising from an application in the Northern Cape Division of the High Court, Kimberley (the high court).

This matter arises from a provision liquidation of Project Multiply (Pty) Ltd (Multiply) and Velvet Cream 15 (Pty) Ltd (Velvet Cream), and the provisional sequestration of the Merwede Trust, IT 1534/98 (the Trust), granted on 12 October 2022. The first respondent, the Land and Agricultural Development Bank of South Africa (the Land Bank), applied for the liquidation and sequestration based on its being a major creditor of the insolvent entities mentioned above. A series of applications were subsequently brought by the appellants, Ms Sharnie Taljaard (Ms Taljaard) and Curro Consultancy (Pty) Ltd (Curro), a private company of which Ms Taljaard is the sole director, seeking to halt the liquidation and sequestration proceedings and requesting that the companies be placed under business rescue. Each application was denied, and the appellants' requests for leave to appeal were also rejected.

Subsequently, the appellants applied for interim relief pending the resolution of an application to rescind the liquidation and sequestration orders. The appellants sought an order restraining the fifth to eleventh respondents (the co-liquidators of the insolvent entities) from proceeding with the liquidation and sequestration of the insolvent entities.

Having evaluated the appellant's application, the high court found the application did not warrant urgent consideration, it nonetheless proceeded to examine the merits. The high court concluded that the appellants did not possess the necessary legal standing to initiate the application. The court determined that the appellants failed to demonstrate a sufficient interest in the subject matter of the application that could be adversely affected by the court's judgment. In light of its finding, the high court considered it unnecessary to address the other requirements for an interim interdict, except to note that they had also

not been established. Conversely, the high court found that the Land Bank had established the requisite standing to apply for the liquidation and sequestration of the insolvent entities.

Prior to considering the merits of the interim application, this Court indicated that it needed to determine whether the impugned order is appealable. The SCA stated that to establish appealability, two jurisdictional facts needed to be present: (a) leave to appeal, and (b) that the impugned ruling constitutes a 'decision' as contemplated by s 16(1)(a) of the Superior Courts Act 10 of 2013. The SCA held that the granting of leave does not render a non-appealable order appealable. If the second jurisdictional fact is absent, the appeal must be struck from the roll for want of jurisdiction.

Mindful of the prevailing legal principles, the SCA proceeded to determine whether the order in the matter before it was subject to appeal. In doing so, the Court recognised that the interlocutory nature of the order does not automatically render it unappealable. The SCA stated that the parties did not dispute that the high court's order was not definitive of the parties' rights, nor did it dispose of a substantial portion of the relief claimed. The SCA held that the focus during interim proceedings is on whether the applicant has presented facts that should justify final relief, without determining the substantive merits of the main dispute. Furthermore, that only the likelihood of success in the main proceedings is assessed and the applicant is only required to establish *a prima facie* right, though open to some doubt.'

The SCA was of the view that it is manifest that findings and orders issued in interlocutory proceedings are generally not final in nature. The SCA concluded that such orders do not resolve the main dispute, let alone in a definitive manner, but serve as interim measures pending the final determination of the matter. The SCA found that in the matter before it, the locus standi of the Land Bank in relation to the liquidation and sequestration proceedings remains unresolved and continues to be contested in the rescission application. Consequently, the SCA concluded that the order made in the interim application does not satisfy the established criteria for appealability, nor do the interests of justice necessitate treating the impugned order as one that is appealable. The SCA thus found that it lacked the jurisdiction to hear the appeal.

As a result, the SCA struck the appeal from the roll with costs, such costs to include the costs of the application for leave to appeal and the costs of two counsel.

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