

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 15 September 2011

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

MORAR NO V AKOO

The Supreme Court of Appeal dismissed an appeal against an order by the High Court refusing to grant the liquidator of a partnership the power to conduct an interrogation as if in the liquidation of a company and the right to demand that the partners provide him with funds, both for that purpose and in order to engage in litigation to recover assets allegedly belonging to the partners. The court held that powers of a liquidator in the liquidation of a partnership should first be assessed in the light of the powers that the partners themselves could confer on the liquidator. Where the partners could not by their agreement confer such powers it would generally be inappropriate for the court to do so.