

**IN THE SOUTH GAUTENG HIGH COURT
(JOHANNESBURG)**

CASE NO: 2012/34384
P/H NO: 128

JOHANNESBURG, 05 February 2013
BEFORE THE HONOURABLE ACTING JUDGE MASHILE

In the matter between:-

**IF UMBRELLA PENSION FUND
IF UMBRELLA PROVIDENT FUND**

**1st Applicant
2nd Applicant**

and

LUKHAIMANE M .A. N.O.

1st Respondent

**AFFIRM MARKETING SERVICES (PTY)
LIMITED**

BEEFMASTER (PTY) LIMITED

H BIRKENMAYER (PTY) LIMITED

DR GEBKA, HELBIG & KLUG INC

DR RITZ INC

**ETERNAL FLAME INVESTMENTS (PTY)
LIMITED**

EXPECTRA 89 (PTY) LIMITED

HESTICO (PTY) LIMITED

HETTAS CC

CONVISTA CONSULTING (PTY) LIMITED

IDI TECHNOLOGY SOLUTIONS (PTY) LIMITED

PROGRESSIVE PACKAGING (PTY) LIMITED

WORLD CARGO SERVICES (PTY) LIMITED

**CONDUIT RISK AND INSURANCE HOLDING
(PTY) LIMITED**

DELL COMPUTER (PTY) LIMITED

THE BRAND UNION (PTY) LIMITED

ULTRA LITHO (PTY) LIMITED

**NEWSCLIP MEDIA MONITORING (PTY)
LIMITED**

MIXTEC CC

PETROMARK (PTY) LIMITED

DEHTEQ (PTY) LTD

**WAVE LENGTHS 31 (PTY) LIMITED (t/a,
INZALO COMMUNICATIONS)**

**PANORAMIC COMPONENTS (PTY)
LIMITED**

**CHICKEN MANAGEMENT SERVICES
(PTY) LTD**

HANSEN TRANSMISSIONS (PTY) LIMITED

SAINT ANDREWS BROKERS (PTY) LIMITED

**2nd Respondent
3rd Respondent
4th Respondent
5th Respondent
6th Respondent
7th Respondent
8th Respondent
9th Respondent
10th Respondent
11th Respondent
12th Respondent
13th Respondent
14th Respondent
15th Respondent
16th Respondent
17th Respondent
18th Respondent
19th Respondent
20th Respondent
21st Respondent
22nd Respondent
23rd Respondent
24th Respondent
25th Respondent
26th Respondent
27th Respondent**



ENABLEMED (PTY) LIMITED	28th Respondent
PRIMESERV GROUP LIMITED	29th Respondent
THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS	30th Respondent
JOBURG CHILD WELFARE SOCIETY	31st Respondent
HERITAGE MANAGEMENT SERVICES (PTY) LTD	32nd Respondent

HAVING read the documents filed of record and having considered the matter:-

IT IS ORDERED THAT:-

- 1. The First Respondent's determination under reference number PFA/WE/6292/2011/SM dated 31 July 2012 made in terms of the Section 30M of the Pension Fund Act 24 of 1956 in respect of a complaint lodged by the abovenamed Second and Thirty Second Respondents is hereby sit aside.*
- 2. The complaint is remitted to the First Respondent to enable the complainants in the complaint to pursue relief against only the former trustees of the Applicants for breach of their statutory and fiduciary duties owed to the Applicants.*
- 3. The Respondents or any other interested parties are permitted to supplement the complaint with any further submissions they wish to make to the First Respondent.*
- 4. The Complainants are to serve a copy of the complaint, duly supplemented, on the relevant former trustees of the Applicants against whom they seek relief.*
- 5. The former trustees of the Applicants are afforded a reasonable opportunity to file a written reply to the supplemented complaint.*
- 6. The First Respondent is to reconsider the supplemented complaint and make a determination in terms of Section 30M of the Act.*
- 7. There is no order as to costs.*

BY THE COURT

