

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)**

"X"
16/11/2010
(Cepo signed)

Case No: 2458/2009

18626/2010

Cape Town, Friday, 5 November 2010
Before the Honourable Mr Justice Desai

In the matter between:

COMBUSTION TECHNOLOGY (PTY) LTD

Applicant

and

T.R. MECHANICALS 786 CC

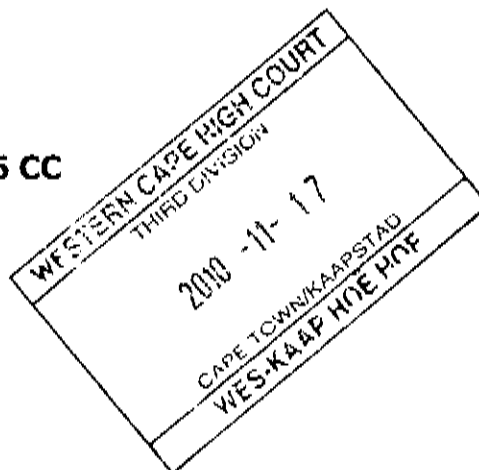
First Respondent

FATIMA TALIEP

Second Respondent

YUMNA TALIEP

Third Respondent



ORDER

By agreement between the parties it is ordered that:

1. The Respondents shall:

1.1 Forthwith instructing the First National Bank, Plumstead to activate and allow transactions on account number 62169062727 (Branch code:

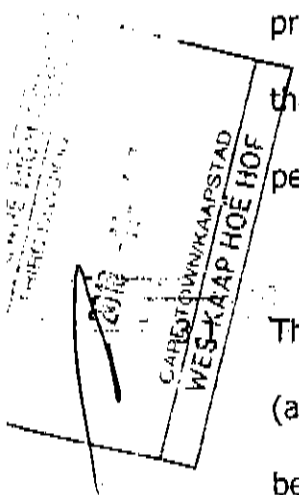
201109) as well as the linked call account in the name of the First Respondent and that the Applicant's managing director, Grant Eric Reneale is the sole authorised signatory on the said accounts.

1.2 Ensuring that all funds received from the employer from date of this order shall be paid into the said accounts.

1.3 Ensuring that all funds already paid by the employer and not paid into the said account shall be paid by the Respondents into the trust account of attorneys William Inglis Inc (who shall hold them on behalf of the parties and who is authorised in terms of section 78(2A) of the Attorneys Act, 53 of 1979, to invest the funds in an interest bearing account) within no less than seven working days from date hereof.
(Such payment shall include the sum of R157 170.17 and the sum of R40 000.00.)

2. The parties shall ensure and use their best endeavours to facilitate that the project continues in terms of the agreement between the parties hereto and that all amounts accruing from the employer in terms of such continued performance shall be paid into the abovementioned account.

The parties agree to the appointment of an independent accountant (appointed by agreement or failing agreement by the President for the time being for the Law Society of The Cape of Good Hope) who shall reconcile the account in respect of the project from inception and determine each of the



parties respective entitlements to the proceeds received from or due by the employer.

3.2 The costs of the accountant shall be provisionally paid by the parties in equal shares. The final liability for the said accountant's costs shall be determined after completion of the exercise in 4.1 above.

4. The Respondents shall, jointly and severally, pay the Applicant's costs in case number 18626/2010.

5. The costs of case number 2458/2009 will stand over for later determination.

6. In the event of any/all of the Respondents failing to timeously comply with any of the foregoing, then and in such event, the Applicant may apply on the same papers, duly supplemented, on an urgent basis for the committal of the Respondents for contempt of court.

By order of Court

COURT

REGISTRAR

2 Abrahams & Gross Inc.
CAPE TOWN

/mdz

