

# Muwanwa Ramanyimi

Senior Associate



Muwanwa Ramanyimi is a Senior Associate in our Dispute Resolution practice. She has experience in commercial and corporate litigation dealing with a variety of issues relating to the Companies Act, insolvency and business rescue and property related disputes. Muwanwa is knowledgeable in dealing with different types of court proceedings (in lower and superior courts) and alternative dispute resolution mechanisms such as Mediation and Arbitration.

## About Muwanwa

Muwanwa started her legal career in 2016 and was admitted as an Attorney of the High Court of South Africa in 2018. She graduated with a Bachelor of Laws from the University of the Witwatersrand and has a certificate in corporate law from the University of South Africa.

## Credentials

### Education

- Bachelor of Laws, University of the Witwatersrand
- Corporate Law Certificate, University of South Africa

## Experience

- Legal advice

Representing an asset management company on a shareholders' dispute which involves Companies Act issues such financial assistance, appraisal rights and Takeover Regulations as well as Financial Advisory and Intermediary Services Act issues.

- Legal advice

Representing a creditor in the business rescue proceedings of one of the major retail stores in South Africa, including negotiating settlement terms with the Business Rescue Practitioners.

- Legal advice

Representing a leading energy and chemical company in a review application in respect of its exploration rights and environmental authorisation; duties include briefing ERM for expert reports, reviewing and analysing pleadings and Rule 53 records and attending to all ad-hoc activities for running the trial.

## Contact Muwanwa

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[Muwanwa on LinkedIn](#)

## Expertise

[Dispute Resolution](#)

[Corporate Debt, Turnaround & Restructuring](#)

## Location

Cape Town

## Language

English

- Legal advice

Performing due diligence investigations and reports for listed and private companies

## News

### All's fair when it comes to business and rescue

It is well known that one of the benefits of business rescue is that it provides breathing room for the company in financial distress through the temporary moratorium on the rights of claimants against the company. The creditors of a company in business rescue are usually found scrambling to determine what their rights are in the event of a debtor going into business rescue. Business rescue affords the business rescue practitioner certain powers when it comes to contracts in general, which means that any party that has contractual relations with the company may have its rights affected by the exercise of such powers. Therefore, it does not mean that if one is not a creditor of the company, they will not be affected by the business rescue.

### Creditors vs practitioners: When business rescue turns into a battle royale

Over the last few years, business rescue has become a popular tool for businesses to use to get some breathing room from their creditors in instances where the business is financially distressed. Two main role players in the business rescue process are creditors and the business rescue practitioner. Creditors, based on their voting interest, have the right to vote for or against a business rescue plan. The practitioner has an obligation to act in the best interest of all stakeholders, including creditors and the company in business rescue. The case of Reiscor Two (Pty) Ltd ta Bootleggers v Anheuser-Busch Inbev Africa (Pty) Ltd and Others dealt with an instance where the creditors voted against the business rescue plan (plan) and the business rescue practitioner (practitioner) was of the view that the vote was inappropriate in the circumstances.

### The definitive position on the courts' ability to override existing orders

"If the errors and their consequences were not so serious, this appeal could be said to arise from a comedy of errors." This was the opening sentence in a judgment by the Supreme Court of Appeal (SCA) in Standard Bank of South Africa v Swartz and Others (Case no 1175/2022) ZASCA 28. The appeal focused on errors the High Court made in granting a "non-existent" business rescue application and adjudicating issues which had been disposed of by agreement.

### Collusion between debtor and creditor: Defence for a surety?

Although a person standing as a surety for a principal debtor might appreciate and understand what it means to be a surety, it is without doubt that many hope that the suretyship will never be implemented. Therefore, when the day comes when the suretyship is called upon, it comes as no surprise that the surety will try any defence, no matter how remote, to free themselves from liability.

### Vulnerability caused by compliance: Section 129(7) of the Companies Act 71 of 2008 and the risk of being wound up

A lot has been said and written about directors' fiduciary duties and the pitfalls directors expose themselves to when making business decisions, almost daily. The circumstances which may lead a director to breaching their fiduciary duties are broad, and to determine whether a director actually breached their fiduciary duties often requires an extensive factual enquiry.

## Videos

### The South African Business Rescue, restructuring (turnaround), and Liquidation profession calling for legislative reform

Lucinde Rhoodie, Director, and Muwanwa Ramanyimi, Senior Associate in the Dispute Resolution practice joined Jonathan Faurie on Turnaround Talk to discuss The South African Business Rescue, restructuring (turnaround), and Liquidation profession calling for legislative reform.

## Podcasts

### Rising through the ranks: A Landlord's business rescue journey

When a company goes into business rescue, every creditor of that company, understandably, becomes concerned.

### [WOZA Podcast Three - Turning the tide](#)

Join CDH Conversations for the third and final episode of the CDH and WOZA Women in Law podcast series, hosted by Senior Associate, Muwanwa Ramanyimi.

### [The recent judgment of CNA and Others v Anglowealth Sharia \(Pty\) Ltd and Others](#)

In this edition of CDH's Business Rescue, Restructuring and Insolvency sector's podcast series, Tobie Jordaan, Lucinde Rhoodie, Muwanwa Ramanyimi and Jessica Osmond are joined by senior Business Rescue Practitioner, Phahlani Mkhombo, of Genesis Corporate Solutions, to discuss the recent judgment of CNA and Others v Anglowealth Sharia (Pty) Ltd and Others, particularly considering the obligations placed on a BRP to notify affected parties of any court proceedings during a business rescue.

[All news by Muwanwa Ramanyimi →](#)