

**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NO: CIVIL APPEAL: A 100/2024

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED: YES

DATE: 13 November 2024

SIGNATURE

In the matter between:

G[...] **P[...]**

Appellant

and

PHILLIPUS VENTER

Respondent

JUDGMENT

(The appeal was heard in open court on 20 August 2024. Having heard the appellant in person, with no appearance on behalf of the respondent, judgment was reserved. The judgment was handed down by uploading the judgment onto the electronic file of the matter on Caselines and the date of uploading the judgment onto Caselines is deemed to be the date of the judgment)

BEFORE: HOLLAND-MUTER J & MAKHOBHA J:

[1] The appellant approached the Magistrate's Court on 24 October 2023 in Heidelberg for a protection order in terms of the Protection from Harassment Act, 17 of 2011 as a matter of urgency.

[2] The application was dismissed by the Magistrate (Mr Malatji) after hearing the appellant.

[3] The appellant listed three grounds of disputed issues he has with the finding of the Magistrate namely: (i) The finding that the matter was not urgent; (ii) that the attached transcript was not in compliance with PAJA (act 2 of 2000); and (iii) that no prima facie case was proven. These grounds are taken from the Notice of Appeal dd 9 April 2024.

[4] This matter is closely related to another matter between the appellant and his estranged sister, Me E A P[...] under appeal case number A 63/2024. This matter was heard on the same day by this court. The appellant made several cross-references between overlapping issues in the two matters. To a large extent the facts are rather similar and in both matters the individual respondents are cross-referred to in the other matter.

[5] The issue of urgency was resolved by the Magistrate as the last incident referred to by the appellant was during November 2022 and this application served before the Magistrate on 24 October 2023. Although the appellant argued that he only managed to escape from Richmond during July 2023 where he was in a "*legal entrapment*" set up by the respondent Mr Venter in collusion with the estranged sister of the appellant, Me E[...] P[...], this does not cure the belated bringing of the urgent application. The Magistrate held that the matter was not urgent.

[6] The appellant also mentioned that the murder of a clerk of the Heidelberg Criminal Court during 2018 made it unsuitable to hear the matter in the Heidelberg Court. The relevance hereof remains a mystery.

[7] The appellant further alleged that he has been fighting for his life against numerous attempts by the embezzlement scheme to kill him. There is no evidence of what the alleged embezzlement was and by whom it was driven. The allegations of attempts to have him falsely incarcerated are without any facts. His complaint that Mr

Venter is a very dangerous man with a sinister agenda bears no truth, almost as mysterious as the relevance of the murder of the clerk of the court.

[8] The appellant makes wild unsubstantiated allegations of numerous attempts to have him killed and all his arrests, 13 in total since 2016, were all without any evidence. He alleges that he is denied justice and retribution, but this is also without any evidence to consider his allegations.

[9] The second issue raised was about the transcript not complying with PAJA. The appellant argued that the respondent aided two to four false applications in Richmond by informing a so-called former Apartheid state security officer, one Hendrik Smit, that there are two protection orders against the appellant and that he opened a case of the pointing of a firearm against the appellant; that the clerk of the Criminal Court in Heidelberg was basically murdered because of the appellant and that the appellant was a dangerous person. This is without any proof.

[10] The appellant believes that the false incrimination made against him renders it unsuitable for the murder trial to be heard in Heidelberg. There is no evidence of any such incidents and the Magistrate would have been aware thereof if it was true, the allegations made by the appellant amounts to speculation without any real facts to prove the allegation.

[11] The third ground by the appellant was that the Magistrate found that there was no prima facie case proven. The appellant justifies his allegation on section 11(2) of the Constitution that: *"no person shall be subject to torture of any kind, whether physical, mental or emotional, nor shall any person be subject to cruel, inhumane or degrading treatment or punishment"*.

[12] The court is of the view that there is no evidence that justifies the call by the appellant on this section of the Constitution. His allegation of false criminal charges by the respondent trying to validate the improper scheme against the appellant holds no merit.

[13] The court would like to express its concern regarding the record presented to court. It was not paginated, no index was done and the papers were not binded/ordered as required by the Rules and Practice Directive. The papers were a loose mix on Caselines and the Court had to guess and search to find some sequence to deal with the matter. The court decided to hear the matter purely because the appellant was in person. Under normal circumstances the court would have removed the matter for non-compliance with the Rules.

I propose that the appeal be dismissed.

HOLLAND-MUTER J

JUDGE OF THE PRETORIA HIGH COURT

I agree and it is so ordered.

MAKHOB A J

JUDGE OF THE PRETORIA HIGH COURT

Matter was heard on 20 August 2024

Judgment handed down on 13 November 2024

Appearances: Appellant in person

Respondent: No appearance.