

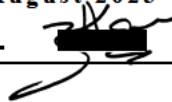
IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 076955/2025

DATE: 25-06-2025

10 In the matter between

DELETE WHICHEVER IS NOT
APPLICABLE
(1) REPORTABLE: NO.
(2) OF INTEREST TO OTHER
JUDGES: NO.
(3) REVISED: YES (SEPARATELY).
DATE 11 August 2025
SIGNATURE 

MUNICIPAL EMPLOYEES PENSION FUND

AND OTHERS

Applicant

and

PHUMUDZO FARANANI NDOU AND ANOTHER Respondent

J U D G M E N T

KHAN, AJ: Judgment in matter.

20 This is an application for contempt that was launched on urgent grounds pursuant to a court order that was granted by my brother, Raubenheimer.

The parties have filed substantial papers in this matter, and I have had regard to the papers and the versions that have been filed by the parties in this matter.

I do not wish to deliver an extensive judgment, because no doubt, anything that I say is going to have an impact on the next round of litigation between these parties as well as impending Legal Practice Council complaints.

I am going to limit myself to the contempt aspect. The starting point for this adjudication is that there is a court order and it must be complied with until set aside. I have had regard to paragraph 2(1) of the court order which says that the respondent are interdicted from making,
10 publishing, encouraging, repeating, or facilitating the publication and making of certain comments.

There is various web pages interlinked to each other and websites that refer traffic from one link to another link. In its replying affidavit the applicants have demonstrated that as of yesterday afternoon, there was still links between the respondents websites or websites under their control to a website that contained infringing material.

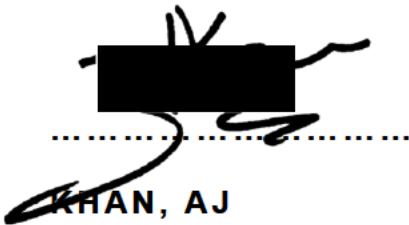
I am not advised by counsel that there has been full compliance. I am therefore satisfied that the applicants
20 were proper in bringing their application before this Court and I am further satisfied that there has for a time-being been non-compliance with the court order of Judge Raubenheimer.

Whether such court order is set aside in future is a matter for debate at that stage. For now, I grant an order

in terms of prayers one, prayers two, and prayers six of the draft orders.

I am satisfied that the conduct of the respondents in this matter warrants a punitive cost order. It is clear from the wording of the court order as well as the status of the respondents as attorneys who can readily read the caselaw that is available to them, that there ought to have been full compliance with the court order. Therefore, a punitive cost order is warranted in this matter.

10 I will ask counsel to amend their draft order to reflect prayers one, two, and six, and I will sign off on that order.



KHAN, AJ

ACTING JUDGE OF THE HIGH COURT

DATE: 11 AUGUST 2025