



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

CASE NO: 129687/2025

DELETE WHICHEVER IS NOT APPLICABLE	
1) REPORTABLE: NO	
2) OF INTEREST TO OTHERS: NO	<i>[Signature]</i>
3) REVISED	
18 August 2025	
DATE	SIGNATURE

In the matter between:

JAN HENDRICK STEPHANUS VENTER

First Applicant

JUAN NATHAN VENTER

Second Applicant

and

BIDVEST BANK LIMITED

First Respondent

ABSA BANK LIMITED

Second Respondent

SOUTHERN AFRICAN FRAUD PREVENTION SERVICE

Third Respondent

TRANSUNION CREDIT BUREAU

Fifth Respondent

EXPERIAN CREDIT BUREAU

Sixth Respondent

COMPUSCAN CREDIT BUREAU

Seventh Respondent

XDS CREDIT BUREAU

Eighth Respondent

JUDGMENT

MOGALE, AJ

Introduction

[1] This is an opposed urgent application in which the applicants seek the following reliefs:

- (a) That the applicants be removed from SAFPS listings and any adverse credit listings, and that such listings be declared unlawful, unconstitutional, and defamatory.
- (b) That the applicants' listing by the first to fourth respondents as fraud suspects be declared unlawful and contrary to section 33 of the Constitution and the Promotion of Administrative Justice Act, 2000.
- (c) The applicants also claim damages for loss of income, general damages for defamation, harm to their reputation, and psychological suffering.
- (d) That the respondents be ordered to issue a written apology to the applicants.
- (e) That the respondents be ordered to pay costs on the scale as between attorney and client.

[2] The applicants were unrepresented, while the first, second and third respondents were represented.

Background

[3] The first applicants enrolled this matter on the urgent court roll scheduled to commence on 12 August 2025. The matter was assigned to me when the roll was published on 8 August 2025. The registrar issued a directive stating that all matters would be heard in open court and outlined the timeframes for filing supporting documents.

[4] It is noteworthy that between 9 and 10 August 2025, multiple emails inundated my inbox over the weekend, addressed personally to me, in which the first applicant urged me to disregard the respondent's notice of intention to oppose and their supporting affidavit.¹

[5] The emails continued on Monday, 11 August 2025, wherein the first applicant threatened the Court regarding his constitutional right to be heard virtually, citing that his life was endangered and that he was unable to attend court in person.²

[6] Having considered the request, and with the respondents' consent, the registrar created a virtual hearing link and sent it to all parties. I believed the first applicant was satisfied with the arrangement; however, I was surprised to receive an email containing an urgent complaint about my judicial conduct, sent to nearly one hundred recipients.³ These emails were sent on the evening of 11 August 2025, both before the hearing scheduled for 12 August 2025.

The application

[7] Upon reviewing the applicant's application, I noticed the following irregularities:

- (a) The application did not comply with Rule 4(1)(a) of the Uniform Rules of Court, in that the urgent application was not served by the Sheriff but rather served by way of an email. No proper justification for non-compliance was provided.
- (b) The Notice of Motion was defective, as it did not include a timetable for the delivery of the Notice of Intention to oppose and the opposing affidavit.
- (c) The second applicant's confirmatory affidavit was not filed in support of the founding affidavit.

[8] Considering these factors, I informed the applicant that his papers were not in order; consequently, the matter cannot proceed. The first applicant acknowledged the

¹ See caseline 000-01.

² See caseline 000-09-11.

³ See caseline 000-16-20.

issues raised but requested that the court recognise him as a layperson, and in the interest of justice, accommodate him by adjudicating the matter.

[9] During the discussion with the first applicant, it was discovered that he was dissatisfied with the findings made by the Pretoria High Court in case number 45361/2021, presided over by the Honourable Justice van der Westhuizen on 14 September 2021. The urgent application involved the same parties and facts as the present matter and was dismissed.⁴

[10] Counsel for the respondents vigorously objected to the applicant's request for the accommodation in the interest of justice. They argued that the applicant was using the same method to dictate to the court how it should function, under the guise of being unrepresented.

[11] The respondents' counsel further contended that the papers were fundamentally flawed, and that the court should not be swayed by the applicant's intimidation. Advocate Coetzee, representing the second respondent, referred to Judge van der Westhuizen's comments in his judgment about the conduct of the first applicant at paragraphs 25-30, as follows:

“Subsequently, when the applicant realised that he cannot dictate to the Court how and when the matter should be heard, he reverted to other problems, which presumably relate to his health. How that can affect coming to court is not clear.

No detail is set out in the application. No supplementary affidavit indicating the issues or providing the required medical certificate to that effect. Considering the application as a whole, and in particular in the context of what the respondents say, none of which has been gainsaid in a replying affidavit, the applicant seeks to hold all to ransom. The Courts must jump to his simple whims.

The respondents are to pay damages and jump to his simple whims. There is no basis on which the relief, insofar as that can be gleaned from the notice of motion, or ascertained therefrom, can be granted”.

⁴ See caseline 35-1.

The duty of the courts to a lay litigant

[12] Section 34 of the Constitution of the Republic of South Africa, 1996 provides that:

“[e]veryone has the right to have any dispute that can be resolved by the application of law decided in a fair public hearing before a court or, where appropriate, another independent and impartial tribunal or forum”.

[13] Courts have a duty to approach cases involving lay litigants in accordance with this constitutional imperative. In *Sasol South Africa v Penkin*,⁵ the court held that the right to have access to the court...

“is an embodiment of an ancient common law principle that a person has a right to a fair hearing, which has, at its core, the right of a litigant to tell her or his side.”

[14] The Constitutional Court in *Eke v Parsons*⁶ emphasised the following:

‘[w]ithout doubt, rules governing the court process cannot be disregarded. They serve an undeniably important purpose. That, however, does not mean that courts should be detained by the rules to a point where they are hamstrung in the performance of the core function of dispensing justice. Put differently, rules should not be observed for their own sake. Where the interests of justice so dictate, courts may depart from a strict observance of the rules. That, even where one of the litigants is insistent that there be adherence to the rules’.

[15] The Constitutional Court underscored the significance of adhering to the rules of court as essential for the proper administration of justice while cautioning against rigid application where it obstructs justice. Nonetheless, unrepresented litigants should not be permitted to undermine judicial processes through wilful non-compliance.

[16] Although the applicants' papers were defective for adjudication, I still bore the responsibility to assess the circumstances of the matter without dealing with the

⁵ [2023](06609/2020) ZAGPLHC 329 (14 April 2023) at para 6.

⁶ 2015 (11) BCLR 1319 (CC); 2016 (3) SA 37 (CC) at para 39.

merits. It was discovered that the first applicant re-enrolled the matter that had already been adjudicated and dismissed. I provided a recommendation on the appropriate legal procedures.

[17] The first applicant acknowledged the difficulty faced by the court in addressing the defective application and recognised that the matter had been filed in an incorrect court. However, he issued a threat of an appeal should his application be dismissed or struck off the roll. The first applicant sent an email on 13 August 2025, enclosing a document that appears to be an application for leave to appeal the decision, which has not yet been granted. It is appropriate and prudent to note that, at the time this judgment was prepared and before it was delivered, the leave to appeal had already been submitted via email and uploaded on caseline.⁷

[18] The persistent complaints, intimidations, and threats directed at the court and the judiciary compel me to agree with my brother, Van der Westhuizen J, in his characterisation of the applicant's conduct. He described the first applicant's behaviour as an attempt to manipulate the courts into granting relief on his terms. Should the court not rule in favour of the first applicant, he begins to exhibit petulant behaviour of throwing his toys out of the cot and sending threatening emails to multiple recipients.

[19] In conclusion, the matter cannot proceed due to defective documents, and a proper case has not been established for the court to adjudicate it. This is a re-enrolment of a previously dismissed matter in the incorrect forum, and as a result, this application must be struck off.

Costs order

[20] On the issue of costs, counsel for respondents submitted that the applicants should not only be ordered to pay costs but also be subjected to a punitive cost order. This is due to the first applicant's disregard for the rules of the Court, his persistent intimidation, and the abuse of the urgent court process.

⁷ see caseline 40-01.

[21] The abuse of process lies not only in the manner in which this application has been drafted and served but also in the fact that the applicants re-enrolled the matter that was dismissed in 2021 in an urgent court. In this regard, the punitive cost order is justified.

[22] The first applicant respectfully requested the court to refrain from issuing any order for costs. Despite seeking an order that the respondents bear the costs on a scale as between attorney and client, acknowledging that neither of the applicants are legal practitioners and prepared the documents themselves. The first applicant emphasised his unemployment status and the lack of assets that could be attached to satisfy legal expenses. Additionally, the first applicant contended that the second respondent should not be subjected to censure.

[23] In my view, this court is compelled to admonish the applicants for their conduct. The first applicant sits behind his computer, sending communications without considering the consequences of his actions. He is unwilling to appear in court for his application; instead, he dictates to the courts how his case should be adjudicated, fabricating various reasons for his inability to attend court, often while seated at his computer in the comfort of his residence, awaiting the opportunity to participate.

[24] The respondents were compelled to incur legal costs to defend a matter that was scheduled to be heard in an urgent court, despite being aware that the matter had been dismissed in 2021. The respondents' counsel had to work tirelessly within a limited timeframe, drafting and filing documents opposing his application on an urgent court roll and attending court in person for roll call. They also had to agree to a virtual hearing, accommodating the applicants.

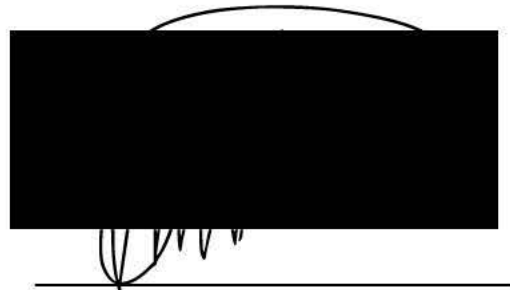
[25] The first applicant claims he is unemployed with no assets, meaning nothing can be seized from him, and he will face no repercussions. This mindset causes him to spend a considerable amount of time on his computer, often sending threatening emails to various recipients aimed at intimidating the courts and pressuring them to grant the relief he desires.

[26] The first applicant's belief that, as a lay litigant, one possesses a licence to disregard and violate legal and judicial procedures and that the courts must comply with his demands is unacceptable. Such conduct demonstrates a lack of respect for the judiciary and warrants the enforcement of a punitive sanction.

Order

[26] As a result, I make the following order:

1. The application is struck off the roll.
2. The applicants are ordered to pay the respondents' costs on an attorney-client scale.

A handwritten signature in black ink, appearing to be 'K Mogale', is written over a solid black rectangular redaction box. The signature is positioned above a horizontal line.

**K MOGALE,
ACTING JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA**

Date of hearing: 12 August 2025

Date of judgment: 18 August 2025

APPEARANCES

1st Applicant : Jan Hendrik Stephanus Venter

2nd Applicant : Juan Nathan Venter

Instructed by : in person

1st Respondent's counsel: Adv. H. Salani

Instructed by : Eversheds Sutherland (SA) Inc.

2nd Respondent's counsel: Advocate D. J. Coetzee

Instructed by : SNB Attorney

3rd respondent's counsel : Advocate Buthelezi

Instructed by : Norton Rose Fulbright South Africa Inc.