

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 00783/24

DATE: 28-08-2025

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: YES / ~~NO~~

(2) OF INTEREST TO OTHER JUDGES: YES / ~~NO~~

(3) REVISED.

DATE 9/9/2025

SIGNATURE 

10 In the matter between

DAAN BEUKES

Applicant

and

VR McGIMPSEY

Respondent

J U D G M E N T

MAKHOBHA, J: The Court will proceed with the *ex tempore* judgment. The judgment reads as follows:

20 [1] The applicant in this matter is an admitted and practicing senior attorney of this court. Practicing under the name and style Daan Beukes Attorneys in Waverly, here in Pretoria.

[2] The respondent is a former client of the applicant.

[3] The application is a prohibitory interdict in terms of which the applicant asked this court to interdict and restrain

the respondent from making any further defamatory remarks of the applicant, including but not limited to;

[3.1] Sending defamatory email correspondence to any third parties regarding the applicant or to the applicant personally other than through an attorney.

[3.2] From making any defamatory statements of the applicant on social media.

[3.3] From contacting the applicant for any reason whatsoever either directly or indirectly other than through
10 an attorney.

[3.4] From making any threats either directly or indirectly to the applicant.

[3.5] The court, my sister, who was ceased with the matter previously, granted a provisional interdict in this regard.

[4] The applicant is a practicing attorney, as I have alluded to, and he feels very much aggrieved and physically threatened by the threats from the respondent.

[5] It is common course that the respondent is a former
20 client of the applicant, whom he met through a mutual common connection, being that he and a friend all serve together in the South African National Defence Force. Since about 2016 to 2017, the applicant assisted the respondent with various kinds of litigation, mostly arising out of former business dealings of the respondent.

[6] The applicant drafted the sale agreement between the respondent and a couple, N.D.Swart and H.J.C. Swart.

[7] I will refer to the couple as "the Swarts". The Swarts subsequently also became clients of the applicant, and he assisted them with legal advice on various matters. Both these individuals, that is the respondent and the Swarts, remain clients of the applicant.

[8] The transaction between the respondent and the Swarts never came to fruition. I will not delve deep into the
10 problems between the parties, because this is not of relevance to this application. Save to say that it is the culmination of why the two are before court, the applicant and the respondent.

[9] The applicant advised the respondent that due to the fact that he had acted on behalf of the Swarts with his knowledge, consent, and approval on previous occasions, that he could not act on the respondent's behalf in a dispute between himself and the Swarts couple, as there will be a conflict of interest and he will consequently have to
20 approach another attorney.

[10] The respondent started sending the applicant emails with "the insinuation that he acted unethically, unprofessionally", and making further allegations against the applicant.

[11] This correspondence ensued for quite some time,

and the applicant attached various examples, being correspondence between the parties on 3 and 4 October 2023, wherein the applicant again clearly advised the respondent that he still acts on behalf of the Swarts couple and cannot represent the respondent in a dispute between himself and the Swarts couple.

[12] Following the letter, there was a heated telephonic exchange between the respondent and the applicant, during which the applicant advised the respondent that he had no
10 further interest in representing him.

[13] On 27 October 2023, the respondent started sending emails to one person called Mr De Villiers de Vos, a business associate and friend of the applicant, who is also a former Defence Force colleague.

[14] On 30 December, 2023, the respondent sent yet another email to the applicant, having apparently decided that he needed to answer the email of the 30th of October, 2023. In the email, Mr De Vos is also CCed, and another colleague of the applicant Advocate Albert Murphy, and this
20 is attached on case lines uploaded as annexure DB8.

[15] The crux of the correspondence remains that the respondent accused the applicant of having two masters, claiming that he acts on behalf of the opposing sides on the same matters and in conflict of interest.

[16] On 22 January 2024, the applicant also received

annexure DB9, being a letter from the Legal Practice Council, with an attached complaint by the respondent.

[17] In this regard, applicant attached emails on 4 March, 26 March, and 23 May 2024, addressed to various persons who, according to the applicant, has no tangible identifiable interest in the dispute between him and the respondent. And, very much surprising to me, which includes a judge of this division for reasons unbeknown to the applicant.

[18] At the previous court appearance, the respondent
10 applied for the matter to be remanded so that he may obtain legal representation. This morning, I asked him about legal representation, and he told this court that he would proceed on his own, and he put the reasons thereof on record.

[19] Maya [indistinct] J., on the previous court appearance of the parties, made the following order:

20 "The respondent is not to address any correspondence, make any statements to the applicant, or any third parties of and concerning the applicant, or the applicant's character, professional competence, or in relation to any of the issues raised in the main proceedings, including the history of the dispute that formed the basis of the respondent's letters and emails attached to the

affidavits for the main application, or from making statements maligning the applicant's reputation to the applicant's third parties."

[20] On 7 August 2025, the respondent uploaded various federal documents on Case Line 07-69. In the documents titled, Pretoria High Court, August 2025, "Ponzi scheme, scam, Mr Niko and Hettie Swart Attorneys, Daan Beukes Attorneys, David Haasbroek". In the second column, the respondent states *inter alia*, "I have lodged combined action
10 plan with the Pretoria Hawks, NPA Division to investigate all judicial, corruptive, and malicious behavior by legal practitioners."

[21] References made in the document to various institutions, including the Hawks, NPA, and even Media24, to whom these statements have ostensibly been made.

[22] The requirements for a final interdict are trite. They are as follows, a clear right, an injury, actually committed or reasonably apprehended, and the absence of
20 similar protection by way of any other ordinary remedy.

[23] The first prerequisite to be established for the granting of a final interdict is a clear right. There is a plethora of case law to this effect. Now, taking into account the history of this matter, the documents uploaded on Case Line, the affidavits by the parties, the provisional order by

my sister, I am satisfied that the applicant in this matter has a clear right not to be defamed or maligned personally and professionally.

[24] The second requirement is irreparable harm or the reasonable apprehension thereof. The applicant is an attorney. His livelihood depends on his profession. If it is defamed, maligned, and dragged into the mud, he will virtually be driven out of business.

[25] If the conduct of the respondent is not stopped, the
10 applicant will suffer irreparable harm.

[26] The respondent has also embarked on a process of threatening the applicant personally. I gather this from the papers and the address before me.

[27] The last requirement for a final interdict is that there must be no reasonable alternative remedy available to the applicant.

[28] In my view, there is no reasonable acceptable alternative remedy available to the applicant other than to approach this court.

20 [29] Having taken into account the address by the respondent and the applicant and the papers before me, I am satisfied that a proper case has been made out by the applicant.

[30] The draft order which I have marked X is made the order of court, except the costs. This was not an intricate

involved matter, and the respondent is between the indigent person and an ordinary person. There was nothing complicated which can warrant costs in the scale requested by the Counsel for the applicant. The costs are scale A.

... 

MAKHOB, J

JUDGE OF THE HIGH COURT

DATE: 9/9/2025