

SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and [SAFLII Policy](#)



**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case number: **2025-150363**

In the matter between:

PETER FLENTOV

First

applicant

MARINA NESTEL

Second applicant

and

GODELIEVE ADELHEID LUTGARDE KOELMA

First respondent

XNEELO (PTY) LTD

Second

respondent

JUDGMENT DELIVERED ON 27 OCTOBER 2025

VAN ZYL AJ:

Introduction

1. These proceedings arise from an ongoing public and very acrimonious mud-slinging between the applicants and the first respondent. The main application, which is an application for interdictory relief against the respondents, has spawned a series of further applications, namely:
 - 1.1 an application by the applicants to hold the first respondent in contempt of court for failing to adhere to the terms of the rule *nisi* granted in the main application;
 - 1.2 an application by the first respondent to stay the rule *nisi* granted in the main application “*pending the final determination of the Rule Nisi and/or any appeal proceedings instituted by the First Respondent*”; and
 - 1.3 an application by the first respondent seeking the joinder of five additional parties to the main application, coupled with a “counterclaim” for the reinstatement of an interim protection order that had been granted and set aside in the magistrates’ court, and the “*granting of a Final Protection Order*” against the first applicant in favour of the first respondent “*in regard to the First Applicant’s ongoing conduct*” as set out in the application.
2. The papers fill several lever-arch files. This is in itself not an issue, because the Court reads what needs to be read. The problem is that, apart from the expected founding, answering, and replying affidavits in each application, the parties delivered several supplementary affidavits without seeking the Court’s leave to do so. The applicants did so mainly in response to a series of additional affidavits delivered by the first respondent, each filled with new allegations and evidence.
3. This is not a situation that should be countenanced. It invites chaos, and wastes time and money, whether a party is represented or not.

The Court admittedly has a wide discretion under Rule 6(5)(e):¹

*“It is in the interests of the administration of justice that the well known and well established general rules regarding the number of sets and the proper sequence of affidavits in motion proceedings should ordinarily be observed. That is not to say that those general rules must always be rigidly applied: some flexibility, controlled by the presiding Judge exercising his discretion in relation to the facts of the case before him, must necessarily also be permitted. Where, as in the present case, an affidavit is tendered in motion proceedings both late and out of its ordinary sequence, the party tendering it is seeking not a right, but an indulgence from the Court: he must both advance his explanation of why the affidavit is out of time and satisfy the Court that, although the affidavit is late, it should, having regard to all the circumstances of the case, nevertheless be received.”*²

4. There was, in the present matter, no application under Rule 6(5)(e) before me, whether in writing or orally from the bar during argument, even after I had voiced the Court’s concerns in this regard. I nevertheless had regard to the additional affidavits.³ They do not take the core issues further other than pouring more oil on the fire. In the circumstances, I am not inclined to allow them into the record.⁴
5. I turn to consider each of the applications.

¹ Rule 6(5)(e): “*Within 10 days of the service upon the respondent of the affidavit and documents referred to in sub-paragraph (ii) of paragraph (d) of subrule (5) the applicant may deliver a replying affidavit. The court may in its discretion permit the filing of further affidavits.*” (My emphasis.)

² *James Brown & Hamer (Pty) Ltd (Previously named Gilbert Hamer & Co Ltd) v Simmons* NO 1963 (4) SA 656 (A) at 660D–H. My emphasis.

³ I do not include in this category those supplementary affidavits that had been duly delivered with the leave of the Court in the course of the interlocutory skirmishes that followed the grant of the rule *nisi*.

⁴ These affidavits are, in the contempt application the first respondent’s first supplementary affidavit dated 3 September 2025 and the applicants’ replying affidavit thereto dated 8 September 2025; and the first respondent’s second supplementary affidavit dated 4 September 2025 and the first applicant’s replying affidavit thereto dated 8 September 2025. In the main application, these affidavits are the first respondent’s supplementary affidavit dated 8 September 2025 and the first respondent’s replying affidavit thereto dated 26 September 2025.

The main application for interdictory relief

Relevant principles

6. Defamation is regarded as the "*intentional infringement of another's right to his good name, or, more comprehensively, the wrongful, intentional publication of words or behaviour concerning another which has the tendency to undermine his status, good name or reputation*".⁵
7. At common law, for a claim in defamation to succeed, the applicants bear the *onus* of establishing the wrongful, intentional publication of a defamatory statement concerning themselves, on a balance of probabilities.⁶
8. The requirement of wrongfulness is met where the applicants' reputations have been unlawfully harmed, assessed by means of an objective standard, that is, whether a reasonable member of the community would regard their good name as having been diminished. Once the publication of defamatory material has been proven, the courts generally infer the requisite intention (*animus iniuriandi*) to injure the applicants' reputation.⁷
9. Publication, in turn, is established where the defamatory statement has been communicated to at least one person other than the applicants. Such publication may occur through various mediums, including oral communication, printed material, or electronic dissemination via online

⁵ Neethling, Potgieter and Visser *Deliktereg* (5ed, 2006) at p325. The Constitution of the Republic of South Africa, 1996, entrenches rights such as freedom of expression in section 16 thereof which appears to clash with the laws of defamation, and a balancing exercise is thus required. The law of defamation safeguards the legitimate and legally recognised interests of individuals in the preservation of their reputation and good name. This protection is further entrenched by the Constitution which recognises and guarantees the inherent right to dignity in section 10 as a fundamental human right.

⁶ Burchell *The Law of Defamation in South Africa* (1985) at p35.

⁷ See the discussion in *National Media Ltd and others v Bogoshi* 1998 (4) SA 1196 (SCA).

platforms, social media, and similar forums.⁸ In circumstances where it is reasonably foreseeable that the statement would come to the attention of others, publication will be presumed unless the contrary is demonstrated.⁹

10. To determine whether the impugned statements are defamatory, the Court examines the ordinary or primary meaning of the words used. Where the words bear a secondary or latent meaning, such innuendo must be established to demonstrate that the words convey a defamatory imputation.¹⁰
11. There are three primary defences to a claim in respect of defamation.¹¹ First, a defendant may justify the statement by proving that it was both true and in the public interest. Second, the defence of fair comment or the exercise of freedom of expression may be invoked, provided the statement constitutes an opinion rather than a factual assertion. Third, privilege may serve as a defence where the statement was made on an occasion recognised by law as privileged, whether absolutely or qualifiedly. In addition to these traditional defences, a further ground of justification was recognised in *National Media Ltd and others v Bogoshi*,¹² namely the reasonableness of the publication. Under this defence, the Court considers factors such as the nature, extent, and tone of the allegations, as well as the steps taken to verify the information, to determine whether the publication was reasonable in the circumstances.
12. I turn to the facts against this brief background.

⁸ See Nel "Online defamation: the problem of unmasking anonymous online critics" 2007 *Comparative and International Law Journal of Southern Africa (CILSA)* 193.

⁹ *National Media v Bogoshi supra*; *International Tobacco Co (SA) Ltd v United Tobacco Co (South) Ltd* (4) 1955 (2) SA 40 (W).

¹⁰ *HT Group (Pty) Ltd v Hazelhurst* [2003] 2 All SA 262 (C).

¹¹ *Borgin v De Villiers* 1980 (3) SA 556 (A).

¹² *Supra* at 1212-1213.

The respondents' conduct

13. The advent of the internet has established a pervasive and influential medium for the exercise of the constitutional right to freedom of expression. Such expression, whether manifested in written, oral, audio-visual, or other communicative forms, enjoys constitutional protection, provided that it is exercised within the bounds of law and without unlawfully infringing upon the rights and reputational interests of others.¹³
14. In the present case, these parameters have been wholly disregarded.
14. The first applicant and the first respondent became known to each other around June 2020, when the first applicant joined a Facebook group called the "*Atlantic Seaboard Community Forum*", which was run and administered by the first respondent.
15. A few months thereafter, the first applicant warned the first respondent about a post she had made on that Facebook page about a certain Ms Finch. The first applicant was of the view that the post could be considered as harassment. In response, the first respondent blocked the first applicant from the group.
16. In February 2022, glaringly defamatory statements were posted on Facebook about the first applicant's mother. The first respondent also sent the first applicant WhatsApp messages in which allegations were made about, amongst others, his mother's activities in the Second World War. The first respondent proceeded to post similar statements on Facebook. She went quiet about the first applicant for about two years until January 2024.

¹³ See *Botha v Smuts and another* 2025 (1) SA 581 (CC).

14. In January 2024, the first applicant posted an article on the Atlantic Seaboard Community Forum Facebook page entitled "*A Cautionary Tale*" about the danger of not opposing an application for the grant of an interim protection order. The article had its origins in events concerning the second applicant (also a member of the community) and the first respondent.
15. The second applicant and the first respondent were friends for some time prior to 2023. When the relationship turned sour, it became messy and litigious. The first respondent made degrading posts about the second applicant on the Forum's Facebook page in January 2023, to which second applicant responded on her own Facebook page, rebuffing the statements. In the comments to the post the first respondent called the second applicant a drug addict, labelled her as dangerous, and culminated in attacking the second applicant's mental health status: "*I will ensure that I am properly protected against this lunatic, she belongs in a rehab psychiatric centre for life!*"
16. During January 2024 the second applicant was arrested at the instance of the first respondent under the provisions of the Protection from Harassment Act 17 of 2011, for violating an interim protection order obtained against her by the first respondent. This is what the first applicant reported on, in particular how the failure to oppose a protection order application could lead to an order being granted in a respondent's absence.
17. The interim protection order was set aside on 6 February 2024, and the criminal case against the second applicant was removed from the court roll in September 2024. The first respondent, who had filmed the second applicant's arrest, proceeded to post it to her YouTube page in September 2024, entitled "*Marina Nestles Arrest*", where it was viewed almost 300 times.

18. Towards the end of June 2025, and throughout July and August 2025, the first respondent continued to publish blatantly scandalous posts on her various social media pages, including Facebook, X, Instagram, and YouTube, relating to both applicants. The content of the first respondent's posts accuses the applicants of unethical business practices, dishonesty, bullying, and other misconduct. These posts morphed into book format, in which the statements are repeated and elaborated upon. It appears from the book that the first respondent feels she has been "wronged" by various persons, all of whom she names and shames in her book. The book was released on 28 July 2025. It is entitled "*Bullied in South Africa*" (the Court received a copy).
19. The content of the first respondent's social media posts, and the allegations contained in her book, are clearly defamatory and damaging to the applicants' reputation. The applicants are the direct and expressly named targets of a sustained and escalating campaign of online vitriol by the first respondent. She has created and disseminated frankly astounding content across multiple social media platforms, including Facebook, Instagram, YouTube, and a website titled w[...], which she operates or controls, hosted by the second respondent. Picking examples from the papers of the impugned statements and repeating them in this judgment will serve no purpose.
14. The first respondent's affidavits, like her book, are filled with allegations against the applicants and others in a stream of consciousness unchecked by what is reasonable and acceptable in the public realm. No justification for this conduct is apparent therefrom, except that the first respondent feels that she is entitled to tell her "*lived experience*". I agree with counsel for the applicants that there must be a clear balancing of the respective rights of the first respondent's freedom of expression on the one hand, whether truthful or not, and the applicants'

rights to dignity and privacy on the other. A consideration of the affidavits filed of record, and the first respondent's book, reveals that the first respondent is simply vindictive in her persistent postings, which serve no other purpose than to defame and insult the applicants.

15. In oral argument before this Court, too, it became clear that the first respondent was out to hurt the applicants because she felt that they had hurt her. Upon questioning by the Court, the first respondent was unable to refrain from repeating her views as to the applicants' character, mental health, and activities. Warnings from the Court about her statements went unheeded.
15. The applicants, unsurprisingly, instituted urgent proceedings against the first respondent's defamatory publications in respect of them, and the second respondent's hosting of such material. The relief included the deletion of existing defamatory content, the removal of a defamatory website, and an interdict against the further distribution of the first respondent book. The founding affidavit details the nature and extent of the ongoing smears, attaching screenshots, URLs, and references to online material. It demonstrates that the content is widely accessible, shared, and hosted by the second respondent. The material is of such nature as to cause substantial harm to the applicants' dignity, reputations, and business relationships. They are subjected to public ridicule and reputational damage that continues to compound daily.
16. The main application was launched *ex parte*, and on 29 August 2025 a rule *nisi* was issued, calling upon the respondents to show cause why a final interdict should not be granted prohibiting the first respondent from publishing defamatory posts and comments on her social media platforms, Facebook, Instagram, and YouTube, and prohibiting the second respondent from publishing further defamatory content. The interim order further directed that all defamatory content be removed

from the social media platforms. It prohibited the selling and distribution of the first respondent's book, and directed that the website selling the book be removed.

17. The first respondent was ordered to pay the cost of the urgent application on a punitive scale.
18. The first respondent was undaunted. After service of the rule *nisi* on her on 30 August 2025, for example, the first respondent posted the order on her Facebook page which is, like her book, titled "*Bullied in South Africa*". She added photographs of the second applicant. On 31 August 2025 she published the same post, with the court order, on her X page. On 1 September 2025 the first respondent posted a video on her YouTube channel containing voice notes from the second respondent. On 2 September 2025 the first respondent shared a post to the "*Bullied in South Africa*" Facebook page which clearly refers to the matter before Court, although the applicants are not mentioned by name. On 3 September 2025 the first respondent made her post of 30 August 2025 a featured post on her Facebook page.
19. The second respondent has complied with the provisions of the rule *nisi*.
20. There have been various interlocutory squabbles since the grant of the rule *nisi* but the question at this stage is whether it should be made final. It is trite that the requirements for the grant of a final interdict are a clear right; an injury actually committed or reasonably apprehended; and the absence of similar protection by any other ordinary remedy.¹⁴
16. I am of the view that the applicants have met these requirements.¹⁵ The applicants have a clear right to their dignity, reputation and good name.

¹⁴ *Setlogelo v Setlogelo* 1914 AD 221 at 227.

¹⁵ See, for example, *Heroldt v Wills* 2013 (2) SA 530 (GSJ); *Isparta v Richter* 2013 (6) SA 529 (GNP).

This right is worthy of protection especially in the light of the first respondent's continued defamatory statements even in the face of the interim order. No justification for the first respondent's conduct is apparent from the papers, which are so replete with vexatious content that even *Plascon Evans*¹⁶ cannot assist her. In these circumstances, the applicants' right to dignity prevails over the first defendant's right to freedom of expression.

17. The injury is undeniable and ongoing. Both applicants depend on their reputation and good name to earn an income, and this has been tarnished. Even after the grant of the rule *nisi* the first respondent continued to post on social media, advertising her book which contains the very defamatory statements this application concerns.
18. The applicants do not have another remedy other than the interdict. Attempts at settlement were futile. The first applicant, for example, attempted to accommodate the first respondent in 2024 at her behest for them mutually to withdraw certain social media posts about each other. Whilst he honoured this agreement to end the feud, she reneged.

Conclusion on the main application

19. In all of these circumstances, the rule *nisi* granted on 29 August 2025 must be made final.
20. In *Public Protector v South African Reserve Bank*¹⁷ the Constitutional Court stated as follows in relation to punitive costs orders:

"[223] More than 100 years ago, Innes CJ stated the principle that costs on an attorney and client scale are awarded when a court wishes to mark its

¹⁶ The applicants seek final relief on motion. Where factual disputes might arise on the papers, I approach the matter in accordance with the principles set out in *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd* 1984 (3) SA 623 (A) at 634E-I.

¹⁷ 2019 (6) SA 253 (CC) para 223.

disapproval of the conduct of a litigant. Since then this principle has been endorsed and applied in a long line of cases and remains applicable. Over the years, courts have awarded costs on an attorney and client scale to mark their disapproval of fraudulent, dishonest or mala fides (bad faith) conduct; vexatious conduct; and conduct that amounts to an abuse of the process of court.”

21. An extended meaning was given to the concept of “vexatious” in *Johannesburg City Council v Television and Electrical Distributors (Pty) Ltd and another*:¹⁸

“ ... in appropriate circumstances the conduct of a litigant may be adjudged ‘vexatious’ within the extended meaning that has been placed upon this term in a number of decisions, that is, when such conduct has resulted in ‘unnecessary trouble and expense which the other side ought not to bear (In re Alluvial Creek 1929 CPD 532 at 535).”

22. The first respondent has been deliberate, persistent, and vexatious in her conduct, even after the grant of the interim order. She should bear the costs of the main application on the scale as between attorney and client.

Contempt of court

The relevant principles

23. Contempt of court, in the present context, has been defined as “*the deliberate, intentional (i e wilful), disobedience of an order granted by a court of competent jurisdiction*”.¹⁹
24. Wilfulness is an essential element of the act or omission alleged to constitute contempt.²⁰ In addition to the element of wilfulness, there must

¹⁸ 1997 (1) SA 157 (A) at 177D.

¹⁹ *Consolidated Fish Distributors (Pty) Ltd v Zive* 1968 (2) SA 517 (C) at 522B–D.

²⁰ *Culverwell v Beira* 1992 (4) SA 490 (W) at 493D–E.

be an element of *mala fides*.²¹ Once it is shown that the order was granted (and served on or otherwise came to the notice of the respondent) and that the respondent had disobeyed or neglected to comply with it, both wilfulness and *mala fides* will be inferred.²² Thus, once the applicant has proved the order, service or notice, and non-compliance, an evidentiary burden rests upon the respondent in relation to wilfulness and *mala fides*, that is, to advance evidence that establishes a reasonable doubt as to whether non-compliance with the order was wilful and *mala fide*.²³

25. Even though the defaulting party may be wilful, such party may still escape liability if they can show that they were *bona fide* in their disobedience. Where the defaulting party has genuinely tried to carry out the order and has failed through no fault of his or her own, or has been unable but not unwilling (for example, by reason of poverty), to carry out the order, proceedings for committal will fail.²⁴
26. As far as penalty is concerned, the law postulates that where a respondent displayed an unacceptable degree of arrogance and perceived inviolability and disregard for the rule of law, the penalty has to be commensurate with the degree of contempt, the intention with which it was committed, and the interests affected. It has to act as a deterrent, and be punitive.²⁵

The first respondent's conduct

27. I have already touched upon the first respondent's conduct following service of the rule *nisi* on her. Upon receipt of the interim order, the

²¹ *Jayiya v Member of the Executive Council for Welfare, Eastern Cape* 2004 (2) SA 611 (SCA) at 621E.

²² *Townsend-Turner v Morrow* 2004 (2) SA 32 (C) at 49C–D.

²³ *Fakie N.O. v CCII Systems (Pty) Ltd and another* 2006 (SCA) at paras [42]–[43].

²⁴ *Matjhabeng Local Municipality v Eskom Holdings Ltd and others; Mkhonto and others v Compensation Solutions (Pty) Ltd* 2018 (1) SA 1 (CC) at paras [85]–[88].

²⁵ *HL and another v Cathay Pacific Airways Ltd and another* [2016] 1 All SA 543 (GJ).

first respondent sent threatening WhatsApp messages to the applicants' attorney about lodging a complaint against her with the Legal Practice Council. She also sent insulting messages to the first applicant.

28. Whilst those actions were not in defiance of the interim order, the first respondent then turned to social media. On her "*Bullied in South Africa*" page, she posted the interim order together with a summary of what it entailed, as well as photographs of the second applicant. She added a screenshot of a previous post entitled "*The Chapter on Marina Nestel in the Book, Bullied in South Africa*"
29. Read in isolation, these particular posts might be regarded as not in defiance of the interim order. Having been posted on social media, however, they easily lead a reader who scrolls down on those social media pages to see the previous posts relating to the applicants. The first respondent also attached screenshots of previous posts which can easily be searched by anyone who visits the page.
30. The interim order directs the first respondent to remove all defamatory posts relating to applicants. At the time of the hearing of this application, she had not done so. Moreover, after her website had been taken down by the second respondent in compliance with the interim order, the first respondent simply advertised her book for sale on a different site, namely Amazon.
31. The first respondent has not offered any acceptable justification for her conduct. She is of the view that the interim order should not have been granted, as she had been wronged by the applicants. She wilfully chose (and continues to choose) to disregard the terms of the interim order.

Conclusion on the contempt application

32. In these circumstances, the first respondent is declared to be in contempt of court for her failure to comply with the provisions of the interim order granted on 29 August 2025, and she is ordered to pay a fine of R5 000,00.
33. The failure to comply with the terms of a court order constitutes blameworthy conduct that justifies a punitive costs order, especially in the particular circumstances of this case. That is in any event the usual order granted in matters concerning the blatant and wilful non-compliance with orders of court.

The application to stay the execution of the interim order

34. The application to stay the execution of the rule *nisi* was brought on the basis that the interim order should not be in operation pending the determination of whether it should be made final, or pending the determination of any appeal brought by the first respondent against the interim order.
35. In terms of Rule 45A a court may, upon application, suspend the execution of any court order for such period and on such terms as it deems fit. In *Gois t/a Shakespeare's Pub v Van Zyl*²⁶ the principles for the grant of a stay in execution were set out as follows:

- “(a) *A court will grant a stay of execution where real and substantial justice requires it or where injustice would otherwise result.*
- “(b) *The court will be guided by considering the factors usually applicable to interim interdicts, except where the applicant is not asserting a right, but attempting to avert injustice.*
- “(c) *The court must be satisfied that:*

²⁶ 2011 (1) SA 148 (LC) para 37.

- (i) *the applicant has a well-grounded apprehension that the execution is taking place at the instance of the respondent(s); and*
 - (ii) *irreparable harm will result if execution is not stayed and the applicant ultimately succeeds in establishing a clear right.*
- (d) *Irreparable harm will invariably result if there is a possibility that the underlying causa may ultimately be removed, ie where the underlying causa is the subject-matter of an ongoing dispute between the parties.*
- (e) *The court is not concerned with the merits of the underlying dispute - the sole enquiry is simply whether the causa is in dispute.”*

36. The first respondent's founding affidavit, which consists of a series of conclusions rather than factual allegations, does not establish any case for the stay of the execution of the interim order, even had there been room in our law for the staying of a rule *nisi* pending the determination of the matter. The application has in any event now been overtaken by the fact that the rule *nisi* has been made final.

37. The application was patently without merit, and was brought in circumstances where the first respondent continued to act in contempt of the interim order. It accordingly falls to be dismissed, with costs on the scale as between attorney and client.

The application for joinder

38. The first respondent's application for joinder is also still-born.

39. The first respondent seeks the joinder of additional parties to the main application, on the following bases:

39.1. Werner Eichler and Jill Eichler (the second applicant's parents), because they have “*materially funded, supported, and enabled the*

conduct of the Second Applicant”.

39.2. Rolf Behr, a long-time childhood friend of the second applicant's, trained in the field of psychology, on the basis that he has *“prepared strategy documents .. and actively assisted the litigation campaigns and defamatory online publications against the First Respondent”.*

40. The legal principles underlying the law on joinder are well-known:

*"The issue in our matter, as it is in any non-joinder dispute, is whether the party sought to be joined has a direct and substantial interest in the matter. The test is whether a party that is alleged to be a necessary party has a legal interest in the subject matter, which may be affected prejudicially by the judgment of the court in the proceedings concerned."*²⁷

41. No court can make findings adverse to any person's interests, without that person first being a party to the proceedings before it.²⁸

42. Joinder is thus necessary when a party has a direct and substantial interest that could be prejudiced by the Court's judgment. It is clear from the papers in the main application that none of the persons sought to be joined fall in the category of persons who would be prejudiced by this Court's orders in the present matter.

43. The first respondent's aim in effecting the joinder is, however, mainly to hold these persons liable as being having been complicit in what she regards as the applicants' wrongful conduct against her. She seeks “disclosure” from them in relation to a myriad of issues personal and confidential as to the applicants, so as to support her “counterclaim”,

²⁷ *Gordon v Department of Health: Kwazulu-Natal* 2008 (6) SA 522 (SCA) para 9.

²⁸ *Matjhabeng Local Municipality v Eskom Holdings Limited and others; Mkhonto and others v Compensation Solutions (Pty) Limited* 2018 (1) SA 1 (CC) para 92.

namely the reinstatement of the interim protection order that had been set aside in the magistrates' court in February 2025.

44. The first respondent submits that these parties' *"roles demonstrate that they are not neutral third parties but are part of the same network of actors who have contributed to the abuse of process and to the perpetuation of defamatory publications against me ... Their joinder is necessary to ensure that any interdict or cost orders granted ... are effective, binding, and comprehensive"*.
45. The first respondent was not willing to accept, when the matter was heard, the Court's explanation that it was not the appropriate forum for the re-litigation of the defunct protection order. Counsel for the parties sought to be joined (they had not been properly cited – they had merely received service of the application) delivered detailed argument on the deficiencies of the joinder application, with reference to issues of compellability, relevance, privilege, and confidentiality, but it is not necessary to say anything more about it.
46. The application is plainly an abuse, and falls to be dismissed, with costs on a punitive scale.

Order

47. In all of these circumstances, the following orders are made:
 - 47.1. The rule *nisi* granted on 29 August 2025 in the applicants' application for interdictory relief is made final.
 - 47.2. The first respondent shall pay the costs of the main application, on the scale as between attorney and client.

47.3. The first respondent is declared to be in contempt of court for her failure to comply with the provisions of the interim order granted on 29 August 2025, and she is ordered to pay a fine of R5 000,00.

47.4. The first respondent shall pay the costs of the contempt application on the scale as between attorney and client.

47.5. The first respondent's application for the stay of execution of the interim order dated 29 August 2025 is dismissed, with costs on the scale as between attorney and client.

47.6. The first respondent's application for joinder is dismissed, with costs on the scale as between attorney and client.

P. S. VAN ZYL

**Acting Judge of the High
Court**

Appearances:

For the applications:

Ms F. Jakoet

Instructed by:

Kellerman Hendrikse Attorneys

For the parties sought to be joined:

Mr A. Kassen

Instructed by:

Hanekom Attorneys

The first respondent in person

No appearance for the second respondent