

**REPUBLIC OF SOUTH AFRICA
IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 2024-014349

(1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED: YES
26 November 2025

In the matter between:

PHOENIX INTERNATIONAL LOGISTICS (PTY) LTD

Applicant

and

**BLAQUE CHERRY LOGISTICS (PTY) LTD
t/a PHOENIX LOGISTIC SA**

Respondent

This Judgment is handed down electronically by circulation to the applicant's legal representatives and the respondents by email, publication on Case Lines. The date for the handing down is deemed 26 November 2025.

Trade and competition - Trade - Passing-off - Requirements - Reputation must have been in existence when the defendant entered the market and when the misrepresentation was committed.

JUDGMENT

Mudau, J

Introduction

[1] This matter concerns a classic dispute in the realm of intellectual property and unfair competition, specifically the common law delict of passing-off. At its heart

lies the tension between protecting established business reputations and the freedom of traders to use elements of language that may be considered common or descriptive. The Court is called upon to navigate this delicate balance in the context of the modern South African logistics industry.

- [2] The applicant, Phoenix International Logistics (Pty) Ltd, seeks a final interdict to restrain the respondent, Blaque Cherry Logistics (Pty) Ltd, from what it alleges is an unlawful passing-off of its services and business as being connected to the applicant. The relief sought is both specific, targeting the name "Phoenix Logistics," and general, aimed at any deceptively similar name.
- [3] The application is opposed vigorously, with the respondent raising not only substantive defences to the passing-off claim but also significant procedural objections to the evidence presented before the Court. The litigation has been characterised by last-minute filings, allegations of bad faith, and fundamental disagreements about the very nature of the applicant's rights.
- [4] The matter was argued before me; the parties having filed extensive heads of argument and supplementary affidavits that substantially expanded the evidentiary record. I am indebted to counsel for their thorough and helpful submissions, both written and oral, which have greatly assisted the Court in navigating the complex factual and legal landscape presented.

In limine

- [5] In *limine*, the respondent contends that the cause of action for the applicant revolves around the respondent and their Managing Director, which also led the applicant to a LinkedIn page (a social media platform) belonging to the respondent's Managing Director in her personal capacity, where she describes her occupation. The respondent contends that this results in a non-joinder of this Managing Director and renders the applicant's relief sought to be *nullius in law* against the respondent. The contention is without merit. It overlooks the legal position. The rule is that any person is a necessary party and should be joined if such a person has a direct and substantial interest in any order the court might make, or if such an order cannot be sustained or carried into effect

without prejudicing that party.¹ In this case, not only is the Managing Director the respondent's sole director, but is also the deponent to the opposing affidavit.

[6] The respondent bemoans that the confirmatory affidavit by Ms. Hunkin confirms that the contents of the confirmatory affidavit were deposed to on 31 January 2024. The founding affidavit was deposed to later on 9 February 2024. Respondent contends that the confirmatory affidavit is inadmissible as it was entered into 9 days before the founding affidavit. This point in *limine* is upheld.

[7] Before delving into the substantive merits, it is necessary to set out the factual background in some detail, as the chronology of events and the conduct of the parties are central to the determination of this application.

Background and factual matrix

[8] The applicant was formally registered with the Companies and Intellectual Property Commission ("CIPC") under the name "Phoenix International Logistics (Pty) Ltd" on 29 March 2005. It has, according to its founding affidavit, continuously traded under this name for a period now exceeding nineteen years, establishing itself within the specialised field of international freight and logistics services.

[9] The respondent, Blaque Cherry Logistics (Pty) Ltd, was registered at a later date. The exact date of its registration is not material for present purposes, but it is common cause that it commenced trading under the style "Phoenix Logistics," a name not formally registered as part of its corporate identity but adopted as a trading name.

[10] The catalyst for this litigation occurred in or around October 2023, when the applicant's management became aware of the respondent's existence and its use of the trading name "Phoenix Logistics." This discovery prompted the applicant's attorneys to dispatch a letter of demand dated 6 November 2023,

¹ See *Watson NO v Ngonyama and Another* [2021] ZASCA 74; [2021] 3 All SA 412 (SCA); 2021 (5) SA 559 (SCA) at para 51.

calling upon the Respondent to "cease and desist" from using the name within a period of fourteen days.

- [11] The respondent's initial response, through its attorneys of record, was significant. In a communication dated 28 November 2023 (Annexure "FA8"), the respondent's attorneys stated that their client "agrees to immediately refrain from making use of the applicant's name." This concession is a pivotal piece of evidence, as it demonstrates that the respondent itself, upon legal advice, recognised the problematic nature of its chosen trading name.
- [12] A dispute subsequently arose not over the principle of ceasing use, but over the practical timeframe for doing so. The respondent requested "sufficient time" to change its branding, which it later quantified as a period of six months. The applicant, viewing this as excessive, refused and gave the respondent until the end of December 2023 to comply; failing which, the present application would be launched.
- [13] The respondent filed its answering affidavit, deposed to by its sole director, Ms. Melissa Chantel Olivier. The defences raised therein can be summarised as follows: The respondent operates in different, non-competing areas of the logistics industry compared to the applicant. The choice of the name "Phoenix" was inspired by the director's personal fascination with the mythological phoenix bird, born from her own life experiences, and was not selected with any knowledge of the applicant. The respondent was willing to change its name and branding, but required a reasonable period of six months to do so effectively. Any potential infringement that may have existed was definitively "cured" as of 19 January 2024, when the respondent changed its trading name to "Phoenix Group SA."
- [14] The applicant filed a replying affidavit, challenging these defences. It pointed out, *inter alia*, that the respondent's claim of requiring six months was belied by its ability to effect a name change by January 2024. This, the applicant argued, demonstrated that the respondent's initial request was a dilatory tactic.
- [15] The procedural landscape shifted dramatically in October 2025. On 17 October 2025, the applicant filed a supplementary affidavit, purporting to place before

the Court new evidence of the respondent's ongoing unlawful conduct. This affidavit, deposed to by Mr. Edward Patrick Craig Melnick, a director of the applicant, attached three key exhibits: Annexure "SA1": A printout from the respondent's website, dated 8 October 2025, showing the respondent trading as "Phoenix Group SA (Pty) Ltd." Annexure "SA2": A screenshot of a social media account on the platform "X" (formerly Twitter), dated 7 October 2025, displaying the handle and profile for "B[...] C[...] L[...] P[...] T[...] P[...] L[...]." The account is under the username "@M[...]". Annexure "SA3": An extract from the South African Revenue Service ("SARS") website, specifically its list of registered cargo carriers, dated 6 October 2025. This list includes the entry: "25121457 Blaque Cherry Logistics T/A Phoenix Logistics."

[16] The applicant argued that this evidence demonstrated a continued, unlawful association with the "Phoenix" name and, specifically, a failure to disengage from the "Phoenix Logistics" style fully.

[17] The respondent, in turn, filed a comprehensive "response to applicant's supplementary affidavit" on 28 October 2025. This affidavit raised a strong objection in *limine* to the admission of the supplementary evidence and provided substantive rebuttals to the allegations. The respondent's key points in response were procedural objections. The applicant filed the supplementary affidavit without prior leave of the Court, at the "11th hour," and in doing so, attempted to cure a defective founding case. new cause of action: The applicant was impermissibly seeking to expand its case from an objection to "Phoenix Logistics" to a claim of exclusive ownership over the word "Phoenix" itself. The respondent further contended that the respondent changed their name in December 2023, which took effect in January 2024, as admitted by the Applicant.

[18] As for the "X" Account: this was a personal, inactive social media account of Ms. Olivier, not a corporate account of the respondent. The respondent is not a party to the online account and cannot be held liable for the director's personal online presence. The account has zero posts and has been dormant since its 2021 creation. The SARS Record: The respondent denies knowledge of this specific record, questions its authenticity, and provides its own SARS Value-

Added Tax registration document (Annexure "CC6") dated June 2025, which clearly reflects the registered name as "Phoenix Group SA." It suggests the applicant's document may be bogus or that SARS's internal systems may contain outdated information for which the respondent cannot be held responsible.

[19] The respondent also attached CIPC search results (Annexures "CC3", "CC4", "CC5") showing hundreds of registered companies incorporating the words "Phoenix," "Phoenix Logistics," and "Phoenix Group" in their names. This, it argued, definitively proves that the applicant cannot claim a monopoly over this common, ancient word.

[20] The applicant also filed a Notice of Motion seeking condonation for the late filing of its supplementary affidavit, which application is now before the Court. This, then, forms the complex factual substratum upon which the legal issues must be determined.

The applicable legal framework

[21] The legal principles governing the delict of passing-off are deeply entrenched in South African common law and have been refined through a consistent line of appellate authority. The foundational purpose of the action is to protect the proprietary interest a trader has in the goodwill of its business, which is an integral part of its incorporeal property.

[22] The classic definition was articulated in *Capital Estate and General Agencies (Pty) Ltd and Others v Holiday Inns Inc and Others*²:

"The wrong known as passing-off consists in a representation by one person that his business (or merchandise, as the case may be) is that of another, or that it is associated with that of another, and, in order to determine whether a representation amounts to a passing-off, one enquires whether there is a reasonable likelihood that

² 1977 (2) SA 916 (A).

members of the public may be confused into believing that the business of the one is, or is connected with, that of another.”³

- [23] The modern formulation of the requirements for a successful passing-off action was succinctly summarised in the Supreme Court of Appeal, as Corbett CJ put it in *Williams t/a Jenifer Williams & Associates & another v Life Line Southern Transvaal*⁴:

“In its classic form it usually consists in A representing, either expressly or impliedly (but almost invariably by the latter means), that the goods or services marketed by him emanate in the course of business from B or that there is an association between such goods or services and the business conducted by B. Such conduct is treated by our law as being wrongful because it results, or is calculated to result, in the improper filching of another’s trade and/or in an improper infringement of his goodwill and/or in causing injury to another’s reputation. Such a representation may be made impliedly by A adopting a trade name or a get-up or mark for his goods which so resembles B’s name or get-up or that A’s goods or services emanate from B or that there is the association between them referred to above. Thus, in order to succeed in a passing off action based upon an implied representation it is generally incumbent upon the plaintiff to establish, *inter alia*: firstly, that the name, get-up or mark used by him has become distinctive of his goods or services, in the sense that the public associate the name, get-up or mark with the goods or services marketed by him (this is often referred to as the acquisition of reputation); and, secondly, that the name, get-up or mark used by the defendant is such or is so used as to cause the public to be confused or deceived in the manner described above.”⁵

- [24] The Supreme Court of Appeal in *Caterham Car Sales & Coachworks Ltd v Birkin Cars (Pty) Ltd and Another*,⁶ provided further crucial guidance. The court emphasised that the reputation relied upon must have been in existence at the time the respondent entered the market.⁷ Furthermore, it elucidated the interconnectedness of the elements, stating in paragraph 15 that:

“The essence of an action for passing-off is to protect a business against a misrepresentation of a particular kind, namely that the business, goods or services

³ *Id* at 929.

⁴ [1996] ZASCA 46; 1996 (3) SA 408 (SCA) (*Life Line Southern Transvaal*).

⁵ *Id* at 418D-F.

⁶ [1998] ZASCA 44; 1998 (3) SA 938 (SCA); [1998] 3 All SA 175 (A) (*Caterham*).

⁷ *Id* at para 22.

of the representor is that of the plaintiff or is associated therewith. In other words, it protects against deception as to a trade source or to a business connection. Misrepresentations of this kind can be committed only in relation to a business that has goodwill or a drawing power (Afrikaans: 'werfkrag'). Goodwill is the totality of attributes that lure or entice clients or potential clients to support a particular business." Footnotes omitted.

[25] More recently, in *Koni Multinational Brands (Pty) Ltd v Beiersdorf AG*,⁸ the Supreme Court of Appeal reaffirmed these principles, underscoring that the test for confusion is a factual one, to be assessed from the perspective of the "average consumer," who is considered to be reasonably attentive and equipped with average intelligence, but who may not have the opportunity to make a side-by-side comparison and who typically relies upon an imperfect recollection.⁹

[26] It is trite that the name of a business is a prime vehicle for carrying goodwill. As stated in *Life Line Southern Transvaal*¹⁰, the protection extends to any name, whether it be the actual corporate name or a trade name under which the business is conducted, provided it has acquired a public reputation.

[27] A critical consideration in cases involving common or descriptive words is the principle established in *Link Estates (Pty) Ltd v Rink Estates (Pty) Ltd*.¹¹ A trader cannot appropriate a word that is common to the trade and claim exclusive rights to it. However, if, through extensive use, that common word has acquired a secondary meaning distinctive of the trader's business in the minds of the public, it may be protected. The onus is on the applicant to demonstrate that the word has become so distinctive of its business that its use by another in a similar field is likely to deceive.¹²

[28] Finally, the remedy of a final interdict requires the applicant to demonstrate a clear right, a reasonable apprehension of irreparable harm if the interdict is not granted, and the absence of any other satisfactory remedy. In the context of

⁸ [2021] ZASCA 24; 2021 BIP 15 (SCA); [2021] HIPR 162 (SCA).

⁹ *Id* at para 27.

¹⁰ *Ibid*.

¹¹ 1979 (2) SA 276 (E).

¹² *Id* at 280.

passing-off, a clear right is established by proving the elements of the delict, and the absence of an alternative remedy is often self-evident, as damages for reputational harm are notoriously difficult to quantify.

Admissibility of the supplementary affidavit

[29] The respondent's objection to the supplementary affidavit is a threshold issue that must be resolved. The general rule in motion proceedings, as articulated in *Shephard v Tuckers Land and Development Corporation (Pty) Ltd*,¹³ is that the matter must be decided on the founding, answering, and replying affidavits. The court has a discretion to allow further affidavits, but this discretion must be exercised judiciously.

[30] The principles governing the admission of further affidavits were summarised in *James Brown & Hamer (Pty) Ltd v Simmons NO*,¹⁴ and subsequent cases. A court may permit a further affidavit where it should, having regard to all the circumstances of the case, nevertheless be received. This is because 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 or she must both advance his explanation of why the affidavit is out of time. The adequacy or otherwise of the explanation for the late tendering of the affidavit will always be an important factor in the enquiry. An attempted definition of the ambit of judicial discretion is neither easy nor desirable.¹⁵

[31] The applicant's justification for the supplementary affidavit is that it contains evidence of the respondent's conduct "that has arisen after the exchange of papers." Specifically, the website printout, social media screenshot, and SARS extract are all dated October 2025, long after the replying affidavit was filed.

[32] The respondent counters that this evidence is not truly "new." It argues that the "X" account was created in 2021, the name change was already disclosed in the answering affidavit, and the SARS information, while dated October 2025, relates to a situation that likely existed for some time. It accuses the applicant

¹³ 1978 (1) SA 173 (W).

¹⁴ 1963 (4) SA 656 (A).

¹⁵ *Id* at 660.

of tactical manoeuvring, having read the respondent's heads of argument and realised the weaknesses in its case.

[33] I find the respondent's objections, while procedurally sound, to be ultimately unpersuasive in the specific circumstances of this case. The evidence in the supplementary affidavit is directly relevant to the central issue before the Court: whether the respondent's current conduct amounts to passing-off. The fact that a social media account was created in 2021 is less important than the fact that it was still publicly accessible and identified the respondent as "t/a Phoenix Logistics" in October 2025. The SARS record, if authentic, is powerful evidence of how the respondent is officially listed with a key regulatory body at a point in time long after it claimed to have remedied the situation.

[34] While the applicant should ideally have sought the Court's leave before filing, the interests of justice favour admitting this evidence. A court must be placed in the best possible position to decide based on the full and current factual matrix, particularly where the ongoing nature of the alleged wrong is in issue. To ignore this evidence on a technicality would be to risk a decision based on an incomplete and potentially outdated picture.

[35] Furthermore, the respondent has suffered no irreparable prejudice. It was given a full and fair opportunity to respond to the supplementary affidavit, which it did comprehensively and timeously. Its rights of *audi alteram partem* have been fully respected.

[36] The respondent's argument that the supplementary affidavit introduces a "new cause of action" by objecting to "Phoenix Group SA" is also not entirely accurate. The cause of action remains passing-off. The new evidence is presented to demonstrate that the respondent's purported solution (adopting "Phoenix Group SA") does not adequately eliminate the likelihood of confusion and that residual use of the old name persists. This is an evolution of the factual basis for the same cause of action, not the introduction of a new one.

[37] For these reasons, the application for condonation for the late filing of the supplementary affidavit is granted, and the affidavit and its annexures are admitted into evidence. The respondent's reply thereto is similarly admitted.

Application of law to facts

[38] With the evidentiary record complete, I now turn to apply the legal principles to the facts.

A goodwill or reputation

[39] The first requirement is that the applicant must establish a protectable goodwill or reputation in its name, "Phoenix International Logistics." It is common cause that the applicant has been trading under this name since 2005, a period of nearly twenty years. The respondent provides no evidence to contradict the applicant's assertion of having built up a reputation in the logistics industry over this substantial period. The length of time alone is a strong, though not conclusive, indicator of the establishment of goodwill.

[40] The respondent's primary challenge on this point is not to the existence of a reputation, but to its scope and distinctiveness. It argues that "Phoenix" is a common, generic word and that the applicant cannot claim exclusivity over it.

[41] The test at this stage is not whether the name is unique or inventive, but whether it has acquired a secondary meaning as distinctive of the applicant's business in the minds of the relevant public. The name "Phoenix International Logistics" is not purely descriptive. While "International Logistics" is generic for the trade, the word "Phoenix" serves as a distinctive identifier or brand name. The combination creates a specific commercial identity.

[42] The respondent's own conduct is highly instructive. Its initial undertaking to "immediately refrain" from using the applicant's name is a telling admission. A trader who genuinely believes that there is no risk of confusion and that the name is freely available does not typically capitulate so readily. This undertaking is compelling evidence that the respondent itself perceived the applicant's name as possessing a reputation that would be infringed by its continued use of "Phoenix Logistics."

[43] I am satisfied, on the evidence before me, that the applicant has discharged the onus of proving that it has a substantial and valuable goodwill and reputation in the name "Phoenix International Logistics" within the South African logistics industry.

Misrepresentation and likelihood of confusion

[44] This is the most contentious element of the case. The question is whether the respondent's use of "Phoenix Group SA" (and any residual use of "Phoenix Logistics") constitutes a misrepresentation likely to confuse.

[45] The test for confusion is not whether the names are identical, but whether they are sufficiently similar to probably deceive or cause confusion amongst a substantial number of ordinary, reasonable customers. The comparison must be made with reference to the sound, appearance, and ideas conveyed by the marks, considering the overall impression, and giving due regard to the dominant features.

[46] Comparing "Phoenix International Logistics" with "Phoenix Group SA": The dominant and most memorable feature of both names is the word "Phoenix." It is the first word in both and serves as the brand anchor. The suffixes "International Logistics" and "Group SA" are both descriptive of the nature and scope of the business. To the average customer, the distinction between "International Logistics" and "Group SA" in the context of a logistics company may not be significant enough to dispel the impression of a connection. A customer could easily assume that "Phoenix Group SA" is a holding company, a specific division, or a recently rebranded entity of "Phoenix International Logistics." Both entities operate in the same broad industry: logistics. This is a critical factor. The risk of confusion is inherently higher when similar names are used in the same field of trade.

[47] The respondent's evidence of numerous other "Phoenix" companies is noted. However, this evidence is of limited probative value. The existence of "Phoenix Attorneys" or "Phoenix Barber Shop" does not diminish the likelihood of confusion between two logistics companies. The relevant market for the comparison is the logistics and freight industry. The applicant is not required to

sue every company with "Phoenix" in its name; it needs only to protect its reputation in its own field of trade against a newcomer in that same field whose name is confusingly similar.

[48] The evidence of residual use of the old name is damaging to the respondent's case. The SARS record (SA3) is particularly significant. SARS is a fundamental regulatory body for any trading company. For the respondent to be listed there as "t/a Phoenix Logistics" in October 2025, after it claimed to have cured the infringement in January 2024, suggests either a lack of diligence in updating its details with a crucial authority or a willingness to maintain the association. This is not a minor or informal platform; it is an official government database used by industry participants. This creates a tangible risk of confusion amongst suppliers, clients, and other logistics partners.

[49] Significantly, the "X" account (SA2), while personal and inactive, still presents a public-facing profile that explicitly links the respondent to "Phoenix Logistics." The respondent's argument that it is a personal account is technically correct, but commercially naive. The profile description is entirely professional, promoting "Blaque Cherry Logistics." A member of the public searching for the respondent online could easily encounter this profile and be led to believe it is the company's official or former trading style. The respondent's director, as the sole representative of the company, has a responsibility to ensure her public professional profiles do not contribute to consumer confusion.

[50] The cumulative effect of the similarity between "Phoenix Group SA" and the applicant's name, coupled with the persistent official and online references to "Phoenix Logistics," creates a likelihood of confusion that is more than fanciful. It is a reasonable probability.

Damage or likelihood thereof

[51] As the *Caterham* case established, the likelihood of confusion and the likelihood of damage often go hand-in-hand. If the public is confused, damage to the applicant's goodwill is almost inevitable. The potential forms of damage in this case are clear: Diversion of Trade: A confused customer seeking the applicant's services may inadvertently engage the respondent. Reputational

harm: Any negative experience with the respondent's services could be attributed to the applicant, tarnishing its hard-earned reputation. The applicant specifically raised the concern of online reviews being misattributed. Erosion of distinctiveness: the unique connection in the public mind between the "Phoenix" name and the applicant's business is diluted, blurring its brand identity.

[52] The applicant does not need to quantify this damage with precision. It is sufficient to show a reasonable apprehension of a likelihood of harm, which it has done.

The respondent's defences

[53] The respondent's substantive defences have been largely addressed in the analysis above, but I will summarise my findings on each. Regarding different areas of business, the respondent provided no convincing evidence to substantiate this claim. Both are logistics companies. The mere assertion is insufficient to displace the obvious overlap and the consequent likelihood of confusion. Personal fascination with the Phoenix: The director's subjective reason for choosing the name is irrelevant. The law of passing-off is concerned with the objective effect of the name on the public, not the respondent's state of mind.

[54] The name was changed to "Phoenix Group SA": For the reasons explained, this new name does not sufficiently distinguish the respondent from the applicant. The dominant, confusing element "Phoenix" remains.

[55] The respondent alleges that "Phoenix" is a common word. This is the respondent's strongest argument, but it ultimately fails in the specific context of this case. The applicant is not claiming a monopoly on the word "Phoenix." It is claiming the right to prevent another logistics company from using it as the dominant part of its name in a way that is likely to confuse. The principle from *Link Estates* is not a licence to infringe; it simply places a higher onus on the applicant, which I find it has discharged through nearly two decades of use and the evidence of its established reputation.

Costs

[56] The general principle is that costs follow the event. The applicant has been substantially successful in obtaining the final interdict it sought. The respondent's conduct, particularly its failure to ensure that its details with SARS were promptly and accurately updated, contributed to the necessity of the supplementary proceedings and prolonged the litigation. In addition, the "X" account. There is no suggestion by the respondent that the password cannot be retried at all. This conduct supports a costs order in the applicant's favour.

Conclusion

[57] The applicant has successfully proven all the elements of the delict of passing-off. It has established a reputation in the name "Phoenix International Logistics." The respondent's use of "Phoenix Group SA" and its residual use of "Phoenix Logistics" creates a likelihood of confusion, and this confusion poses a real likelihood of damage to the applicant's goodwill. The applicant has a clear right to protect its reputation, will suffer irreparable harm if the respondent's conduct continues, and has no other satisfactory remedy.

[58] In the result, the following order is made:

1. The respondent is hereby interdicted and restrained from passing-off its services and/or business as being that of the applicant, or as being connected in the course of trade with the applicant, by using the name "Phoenix Logistics" or any other name incorporating the word "Phoenix" that is confusingly or deceptively similar to the applicant's name "Phoenix International Logistics" in relation to logistics, freight, or associated services.
2. The respondent is ordered to take all necessary steps within 30 (thirty) days of this order to ensure that its details with the South African Revenue Service and any other relevant public or industry registers are amended to reflect a trading name that is not confusingly or deceptively similar to the applicant's name as set out in paragraph 1.

3. The respondent is ordered to pay the costs of this application, including the costs of two counsel (one senior and one junior) where two were employed, such costs to be taxed on Scale B of the tariff.

T P MUDAU
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

Appearances

For the Applicants	: Heads by Adv Puckrin SC
	: Adv P Cirone
Instructed	: Shepstone & Wylie Attorneys
For the Respondent	: Adv Neelan Ramsingh
Instructed	: Naidoo & Roelofsen Attorneys
Date of hearing	: 03 November 2025
Date of Judgement	: 26 November 2025