

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



Case number: 2024-093956

Date of hearing: 18 November 2025

Date delivered: 5 December 2025

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES/NO	YES /NO
(2) OF INTEREST TO OTHERS JUDGES: YES/NO	YES /NO
(3) REVISED	
5/12/25	[REDACTED]
DATE	SIGNATURE

In the application between:

JENNINGS INC
ANDRI JENNINGS

First Applicant
Second Applicant

and

PIERRE PIENAAR N.O
JOHANN JORDAAN N.O
(in their capacities as the trustees of the
Canon Construction Trust, IT no. 4429/97)
PIERRE PIENAAR
KOBUS VAN DER WESTHUIZEN N.O.

First Respondent
Second Respondent

Third Respondent
Fourth Respondent

(in his capacity as trustee of the insolvent
estate of Pierre Pienaar)

SAMUEL SIYABONGA MOHLONGI N.O.

Fifth Respondent

(in his capacity as trustee of the insolvent
estate of Pierre Pienaar)

This judgment is handed down electronically by the Judge whose name is reflected herein, and is submitted to the parties or their legal representative by email. This order is further uploaded to the electronic file of CaseLines by the Judge or his Registrar. The date of this order is deemed to be 5 December 2025.

JUDGMENT

SWANEPOEL J:

[1] The first applicant is a firm of attorneys of which the second applicant is a director. The applicants seek an order holding the third respondent ("Pienaar") in contempt of an order of court dated 3 September 2024. The first, second, fourth and fifth respondents are cited inasmuch as they may have an interest in the matter, but no relief is sought against them.

[2] On 3 September 2024 Manamela AJ made the following order against the first, second and third respondents ("the respondents"):

"Pending the institution and finalization of an action for defamation against the respondents, to be instituted within 20 days from date of granting of an order, the respondents, either themselves or through

entities in which they hold an interest, or any other person acting under their command, on their behalf or under their instructions or encouraged by or otherwise associated with the respondents are interdicted and prohibited from disseminating, whether on any social media platform or in any form, directly or indirectly, false and defamatory allegations pertaining to the applicants and any of the applicant's employees, agents and/or associates."

[3] The Court also granted a costs order against the respondents, payable jointly and severally.

[4] The application was not opposed, but the third respondent did appear at court, and sought to oppose the application. I explained to the third respondent that in the absence of an opposing affidavit, his version of events was not before me, and that I could not take his oral statements into account. The third respondent indicated that he understood the position.

[5] The order was served on the third respondent on 15 January 2025 by affixing. The Sheriff later confirmed telephonically with the third respondent that he had received the order.

[6] The background to the granting of the order is not strictly relevant to these proceedings, but it does cast light on the third respondent's state of mind, and the reason why he has defamed the applicants.

[7] For more than a decade the second applicant, initially as an employee of a previous attorneys' firm, and latterly as director of the first

respondent has litigated against the trust and against the third respondent. The applicants represent the Silver Lakes Homeowners' Association, mostly in matters concerning the collection of levies from residents of Silver Lakes. Over a period of time the second applicant (and now also the first applicant) attracted the third respondent's wrath. He has published vile accusations against the second applicant and her firm. He has accused her of having committed fraud, having falsified court documents, and he has threatened her in an abusive manner, saying things like:

"Jy gaan hard grond toe kom poppie net soos Bekker. Die dokumente en skikking is persoonlik deur jou onderteken, word fokken wakker en hou op lieg en bedrieg."

[8] It is under these circumstances that the interdict order was granted.

[9] The third respondent and one Andre Pienaar were the administrators of the Silver Lakes Golf Estate site on Facebook until 23 October 2025. On 14 October 2025 the third respondent posted the following on the Facebook site concerning the applicants:

"THIS IS HOW THE CORRUPT LAWYERS OF SILVER LAKES ESTATE ENRICHED THEMSELVES OVER THE YEARS BY FALSIFYING COURT DOCUMENTS AN THEN USED THE FALSIFIED ORDERS AND THE CORRECT ORDERS IN THERE (sic) AFFIDAVITS HOW F****ING STUPIT (sic) CAN ONE BE, AND

THEN MILLIONS OF OUR LEVY MONEY GET SPENT ON THIS CORRUPTION AND NOT ONE DIRECTOR OR TRUSTEE WILL PUT A STOP TO THIS. THEY JUST KEEP ON SPENDING AND NOBODY SAY ANYTHING.”

[10] The second applicant was specifically referred to in the post. It also consisted of 75 photographs depicting court papers, the second applicant’s details and her signature. On 15 October 2025 the applicants’ attorney wrote to the third respondent demanding that the post be removed. The post was removed on 19 October 2025. However, under the identity of “David van Vuuren” exactly the same post, including the photographs was published, albeit with a different heading:

“THE GRAVY TRAIN PARASITES AND CORRUPT LEGAL TEAMS THIS ESTATE USE TO DO THERE (sic) COLLECTIONS PLUS THE USELESS BOARD OF DIRECTORS ALLOWING THIS TO HAPPEN

[11] The identity of “David van Vuuren” is unknown, but after the third respondent was removed as administrator of the Facebook site on 23 October 2025, Van Vuuren suddenly became a co-administrator with Andre Pienaar. Van Vuuren’s profile was created on 23 October 2025, and he has no friends on Facebook. Once “Van Vuuren” became active on Facebook the third respondent went silent.

[12] On 27 October “David van Vuuren” posted “Very interesting how our money get waisted (sic) and the corruption happening inside this estate hope the wheel turns and these culprits get locked up.”

[13] In court the third respondent professed not to know who Van Vuuren is. However, what is interesting is that the third respondent and Van Vuuren both make the same spelling errors of simple English words. I have no doubt that Van Vuuren is a pseudonym under which the third respondent has continued his feud with the applicants. At the very least, the third applicant has used "David van Vuuren" to pursue his vendetta.

[14] The spelling errors in the various posts make it clear that the third respondent and Van Vuuren are one and the same person. On 27 October 2025, for instance, 'Van Vuuren' posted regarding monies that were "waisted" (instead of wasted), the very same spelling error that the third respondent has made in previous posts. They have both misspelt "there" instead of "their". Those similarities, and the fact that conveniently nobody knows who this new administrator of the Facebook site is makes it obvious to me that the third respondent was posting under a pseudonym.

[15] The applicants have thus proven that the third respondent was aware of the order (which he did not deny), that he intentionally posted further defamatory statements concerning the applicants on Facebook, and that, even after he had been warned of the consequences of continuing with this conduct, he willfully disobeyed the order by continuing to post under a pseudonym. The third respondent's mala fides are obvious. My view is supported by the conduct of the third respondent in Court. He made it clear that he did not intend to stop defaming the applicants. I have no doubt that the third respondent is in contempt of the order of Manamela AJ. I say so in the full understanding that the applicant must prove its case on the criminal standard, i.e. beyond a reasonable doubt.

[16] The third respondent is an unrehabilitated insolvent, and a fine would therefore be unenforceable. The applicant seeks the third respondent's immediate incarceration, which is, in my view, appropriate. The judicial system in general, and courts specifically, are currently in the firing line, and it is incumbent on Courts to ensure that their orders are obeyed. I must add that during the hearing the third respondent was utterly unrepentant. He repeated the allegations against the applicants, and despite the Court pointing out to him that he was at risk of incarceration, he made it clear that did not intend to change his behaviour. In these circumstances the immediate incarceration of the third respondent for 30 days is appropriate.

[17] Given the third respondent's conduct in court, and as it is obvious that he does not intend to comply with the order, I believe that a further period of incarceration which is suspended, and which may deter the third respondent from further unlawful conduct, is appropriate.

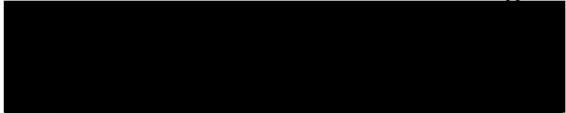
[18] I make the following order:

[18.1] The third respondent is held to be in contempt of the order of Manamela AJ dated 3 September 2024.

[18.2] The third respondent is sentenced to 30 days' imprisonment.

[18.3] The third respondent is sentenced to a further 60 days' imprisonment which is suspended for five years on condition that the third respondent does not again defame the applicants during the period of suspension.

[18.4] The costs of this application shall be costs in the third respondent's insolvent estate on the attorney/client scale.



SWANEPOEL J
JUDGE OF THE HIGH COURT
GAUTENG DIVISION PRETORIA

Counsel for the applicant:	Adv. M Jacobs
Instructed by:	Van Heerden & Krugel Attorneys
Counsel for the respondent	In person
Hearing on:	18 November 2025
Judgment on:	5 December 2025