

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE

CASE NO: 2025/249104

- (1) REPORTABLE: YES/NO
(2) OF INTEREST TO THE JUDGES: YES/NO
(3) REVISED.

DATE 2026/01/07 SIGNATURE.. 

In the matter between:

JACK MAEKO**Applicant**

and

SEEMOLE WILHEMINA SEEMA**Respondent**

JUDGMENT

BURNETT, AJ**INTRODUCTION**

[1] The is an urgent application to hold the Respondent in contempt of court, for an order that was handed down by her Honourable Madame Justice Bresler AJ on 11 November 2025.

[2] The court order of 11 November 2025 ordered *inter alia* that: -

[2.1] *An order is made declaring the statements and allegations made by the Respondent on her Facebook page concerning and about the Applicant be declared defamatory and false.*

[2.2] *The Respondent is ordered to remove the false and misleading statements against the Applicant within 24 hours from all public platforms wherever they have been published or circulated including but not limited to the Respondent's Facebook account, website, social media pages, Facebook, Tik-Tok and/or any other third-party channels.*

[2.3] *The Respondent is ordered to publish an apology on her Facebook page and other social media platforms on which the statement has been published, in which she unconditionally retracts and apologizes for the allegations made against the Applicant, which apology must include a video clip on her facebook account and a written letter of apology.*

[2.3] *The Respondent is restrained and interdicted from publishing any further false, misleading and defamatory statements against the Applicant.*

- [3] The court order was served on the Respondent personally on 13 November 2025, being the day after the order was granted. On 19 December 2025 the Applicant launched this contempt of court application, which alleges non-compliance with the court order of 11 November 2025.
- [4] The contempt application was opposed, and both parties' legal representatives appeared on the day of hearing, filed heads of argument and advanced oral arguments.

URGENCY

- [5] In urgent applications, the first issue to consider is whether the matter is urgent. The test for urgency was articulated in ***East Rock Trading (PTY) Ltd and Another v Eagle Valley Granite and Another's*** (11/33767) [2011] ZAGPJHC 196 at paragraph 6 where Justice Notshe AJ held that *"The import thereof is that the procedure set out in Rule 6(12) is not for taking. An applicant must set forth explicitly the circumstances which he avers render the matter urgent. More importantly, the applicant must state the reasons why he claims that he cannot be afforded substantial redress at a hearing in due course."* It was submitted by the Applicant that contempt of court applications are by their very nature urgent.
- [6] It was held in ***Protea Holdings Ltd v Wright and Others*** 1978 (3) SA 865 (W) 868 A – H that: -
- "The element of urgency would be satisfied if in fact it is shown that the respondents were continuing to disregard the order, if this be so, the applicant is entitled, as a*

matter of urgency, to attempt to get the respondents to desist by the penalty referred to being imposed.”

- [7] In **Victoria Park Ratepayers Associates v Greyvenouw CC and Others** [2004] 3 All SA 623 (SE) (11 April 2003) the court found that: -

“That contempt of court has obvious implications for the effectiveness and legitimacy of the legal system and the judicial arm of government. There is thus a public interest element in each and every case in which it is alleged that a party has wilfully and in bad faith ignored or otherwise failed to comply with a court order. This added element provides to every such case an element of urgency....It is not only the object of punishing a respondent to compel him or her to obey an order that renders contempt proceedings urgent, the public interest in the administration of justice and the vindication of the constitution also renders the ongoing failure of refusal to obey an order a matter of urgency. This in my view, is the starting point, all matters in which an ongoing contempt must be dealt with as expeditiously as the circumstances and the dictates of fairness follow.”

- [8] It was held in **Rhweba Butterworth (Pty) Ltd and Others v Lubabalo Brown Mntonga & Others** (5368/2021) [2022] ZAECHMC 9 (3 May 2022) that: -

“Contempt of court proceedings are, as a general rule, urgent and the degree of urgency will always depend on the facts of each case.”

- [9] The failure to abide by a court order is a violation of **section 165 (5) of the Constitution of the Republic of South Africa** states that: - *“An order or decision issued by a court binds all persons to whom and organs of state to which it applies.”*

I agree that contempt applications are by their very nature urgent because it concerns the rule of law. A society that is allowed to disregard court orders is a society in disarray; it is a democratic society in trouble. It is thus in the public's interest that the matter be dealt with as a matter of urgency because if it is allowed that court orders can be disobeyed, confidence in the rule of law diminishes. The public will not regain this confidence through substantial redress in due course. A failure to deal with an attack on the rule of law urgently, will set a precedent of leniency in these kinds of matters.

- [10] In the matter of **Mbalula v Mda** (121445/2025) [2025] ZAGPPHC 878 (20 August 2025 at paragraphs 4 and 5 it was found that: -

"The applicant submits, and I accept, that the matter is urgent bases on the present and continuous harm to dignity that he cannot reasonably be expected to endure with the attendance anxiety and embarrassment brought by the continues violation of his dignitus and his right... he further submits that there is ongoing and prolongers reputational harm, humiliation and indignity accompanying the respondents' acts, aided by the continuous accessibility of the tweets on X. This results in harm justifying the relief sought."

- [11] It was held on **ZA Online Store (Pty) Ltd t/a iStore v Tothill Derek and Others** (2025/081458) [2025] ZAGPJHC 734 (9 June 2025) at paragraphs 44 and 45 that: -

"Of particular concern is the ongoing publication of false claims about the applicant's contractual liability, disseminated on a platform that does not appear to subscribe to any recognised journalistic standard or formal editorial accountability. If these posts

are not removed, the harm already suffered by the applicant will continue, as the publication may indefinitely perpetuate reputational damage. In the absence of a remedial order, the injury becomes ongoing, rather than confined to a single act of defamation. In a world where it is increasingly difficult to distinguish between facts and falsehoods, it is essential to uphold the obligation to ensure accurate reporting on social media pages with large followings that present themselves as media outlets. The dangers of such platforms are that, regardless of any engagement users may have with the platform, they are not guaranteed accurate and fair reporting, as they would be if News Nexus adhered to the press Code. Once such a narrative takes hold, based on demonstratable false information, it can spread like wildfire. This situation cannot be meaningfully remedied in due course of any ordinary legal means."

- [12] The urgency of this matter is further exacerbated by the fact that the continued violation of the court order is a continued violation of the Applicant's right to dignity. The unlawful and defamatory social media posts have caused, and continue to cause, reputational damage to the Applicant, which damage cannot be addressed through substantial redress in due course. For as long as these posts remain on social media, members of the public can view, download and circulate them. Social media can be dangerous and is the worst place to post defamatory statements because of the audience it can reach.

KNOWLEDGE OF THE ORDER

[13] The first element that needs to be proven in a contempt of court application is knowledge of the fact order; the Respondent must have knowledge of the existence order. The court order was served on the Respondent personally on 13 November 2025, being the day after the order was granted. The court order was served via the Sheriff of the Court. The Respondent has not disputed this.

WILFUL DEFAULT

[14] As was stated previously, **Section 165 (5) the Constitution of the Republic of South Africa** states that: *“An order or decision issued by a court binds all persons to whom and organs of state to which it applies.”* Court orders must be strictly adhered to, whether the parties like them or not, and to the extent that non-compliance has been alleged, Respondents must give proper reasons to the contrary.

[15] The Respondent states that she is not in willful default of the order because: -

[15.1] In reference to paragraph 4 of the 11 November 2025 order, which reads as follows: -

“The Respondent is ordered to remove the false and misleading statements against the Applicant within 24 hours from all public platforms wherever they have been published or circulated including but not limited to the Respondent’s Facebook account, website, social

media pages, Facebook, Tik-Tok and/or any other third-party channels.”

[15.1.1] According to the Respondent, the order was only valid for 24 (twenty-four) hours from the date on which it was granted and had already lapsed by the time that it was served on her.

[15.1.2] The Respondent argues that the court order is vague and ambiguous because it does not specify which posts must be removed.

[15.2] In reference to paragraph 5 of the 11 November 2025 order, which reads as follows: -

The Respondent is ordered to public an apology on her Facebook page and other social media platforms on which the statement has been published, in which she unconditionally retracts and apologised for the allegations made against the Applicant, which apology must include a video clip on her facebook account and a written letter of apology.

[15.2.1] The Respondent argues that there is no time-period stipulated in which she must publish the apology.

[16] The court order of 11 November 2025 did not lapse as argued by the Respondent, and there is no suggestion in the wording of paragraph 4 that the order would lapse

in any amount of time. The order does not have an expiration date. The Respondent had to remove the false and misleading statements within 24 (twenty-four) hours of receiving the court order. The Respondent received the court order via the Sheriff of the Court on 13 November 2025 at 07h00, which means she had to remove the post by 07h00 on 14 November 2025. The Respondent did not do this.

[17] Paragraph 2 of the 11 November 2025 order states that: - *An order is made declaring the statements and allegations made by the Respondent on her Facebook page concerning and about the Applicant be declared defamatory and false.* This means **all the posts that the Applicant has made about the Respondent.** It is not ambiguous.

[18] It is not in dispute that the court order of 11 November 2025 is valid, the Respondent simply states that it is vague. There does not appear to be an application for the rescission of the judgment, nor an appeal thereto. The *dies* for filing either of these has expired. In absence of an application for rescission or an appeal, it is deemed that the Applicant accepted the court order. This means that she accepted the content of the court order and understood it. To the extent that any interested party deemed the order to be vague or ambiguous, a duty rested on the alleging party to bring the application for the variation thereof.

[19] The Respondent did not remove any of her posts about the Applicant on social media. If the Respondent's defence was *bona fide*, she would have stated in her affidavit that she did not know which ones to remove, but she consulted with her

attorney and removed the posts that she thought were defamatory. Instead of this, she digs her heels into the ground and refuses to take accountability.

[20] The Respondent states that she did not publish an apology on social media because there is no time-period attached to paragraph 5. The court cannot accept this explanation because from a plain reading of the court order, it can be inferred that the apology must be posted immediately or within 24 (twenty-four) hours of the order being received, especially having regard to paragraph 4.

[21] On 12 November 2025 the Applicant dispatched an email to the Respondent stating *inter alia* that: -

“we further demand that you deliver a public apology by Friday the 14th day of November on your facebook page and other social media platforms on which you had published the statements. This apology should be in a video clip on your facebook account and a written apology statement to retract and apologise for the allegations that you made against our client. Failure to do so, we will proceed to apply to the court to have you held in contempt of court.”

[22] Despite having received the above email and then having been served with the Contempt of Court application, the Respondent still refuses to comply. It cannot be said that she is acting in good faith.

ORDER

[23] I accordingly make the following order: -

- [23.1] That the rules of the above Honourable Court pertaining to forms, service and time periods be condoned and/or dispensed with, and the matter be heard as one of urgency in terms of Rule 6 (12).
- [23.2] The Respondent is declared to be in contempt of the order granted on 11 November 2025 under case number 2025-205218.
- [23.3] The Respondent is hereby committed to prison for a period of 12 (twelve) months, for which a warrant of arrest is hereby authorized.
- [23.4] The Respondent's aforesaid arrest and committal is suspended for a period of 5 (five) days subject to the Respondent immediately giving effect to the Order of this Court previously handed down on 11 November 2025.
- [23.5] That the Respondent pay the Applicant's costs on an attorney and client scale.



BURNETT, E J
ACTING JUDGE OF THE HIGH COURT,
POLOKWANE; LIMPOPO DIVISION

APPEARANCES

FOR THE APPLICANT: - ADV. M S SIKHWARI SC

INSTRUCTED BY: - MPHOKE MAGANE ATTORNEYS

FOR THE RESPONDENT:- ADV. S TEBEILE

INSTRUCTED BY:- SEABELA AND ASSOCIATES

DATE OF HEARING: - 31 DECEMBER 2025

DATE OF JUDGMENT: - 7 JANUARY 2026

POLOKWANE HIGH COURT