



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

- (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.

SIGNATURE

DATE: 29 January 2026

Case No. 2026-006355

In the matter between:

JOHN MICHAEL LETANG

Applicant

and

**THE SOCIETY FOR THE PREVENTION OF CRUELTY
TO ANIMALS, ROODEPOORT**

First Respondent

EUGENE HARICHARAN

Second respondent

JUDGMENT

WILSON J:

- 1 On 2 January 2026, the second respondent, Mr. Haricharan, who is a cadet inspector employed by the first respondent, the SPCA, found a dog trapped at the bottom of a drain on a property in Roodepoort. Both the property and the dog, Bitsy, belonged to the applicant, Mr. Letang. Mr. Letang had gone on holiday to Durban, leaving Bitsy on the property with a large quantity of food.

At some point – Mr. Haricharan says it must have been at least three days before he found Bitsy – Bitsy fell down the drain and became trapped there. Because Bitsy, like many dogs of his age and size, suffers from arthritis, he did not have the strength to jump out of the drain.

- 2 By the time Mr. Haricharan found him, Bitsy was in a dreadful state. Bitsy was starving, dehydrated, infested with ticks and fleas and suffering from flystrike in his ear. Flystrike a particularly distressing condition that appears to involve the deterioration of tissue as a result of the gestation of larvae hatched from eggs planted underneath the skin. Bitsy needed urgent veterinary attention.
- 3 Mr. Haricharan managed to obtain Mr. Letang's telephone number. He contacted Mr. Letang and told him of Bitsy's state. Mr. Letang said that he was not in a position to provide Bitsy with the veterinary attention he needed. Mr. Haricharan then asked Mr. Letang if he wanted to surrender Bitsy to the SPCA. Mr. Letang agreed. He sent a WhatsApp message to Mr. Haricharan stating that "I John Michael letang [sic] of [address] do hereby surrender Bitsy to SPCA roodepoort... thank you". Mr. Letang's daughter, who was present or arrived at the property during Mr. Haricharan's visit, also signed a form indicating that all "ownership rights" over Bitsy were being relinquished.
- 4 Just under an hour after "surrendering" Bitsy to the SPCA, Mr. Letang contacted Mr. Haricharan again, stating "Hi Eugene, kindly [sic] note that Bitsy is being surrendered to SPCA ROODEPOORT for treatment and please inform us when Bitsy is ready for collection thank you". Mr. Haricharan did not reply. The next day, Mr. Letang sent another message: "Hi Eugene, any news

on Bitsy please. We are concerned.” There is no reply to this message on record either.

5 By the following Wednesday, 7 January, it had dawned on Mr. Letang that the SPCA had no intention of returning Bitsy to him. On that date, Mr. Letang’s legal representatives sent a letter to the SPCA demanding Bitsy’s return. On the same day, and relying on Bitsy’s putative surrender to Mr. Haricharan, the SPCA responded that Bitsy would not be returned to Mr. Letang. Bitsy was now the property of the SPCA, the letter said, having been rescued from Mr. Letang’s neglect and surrendered to the SPCA because Mr. Letang could not provide the care and treatment Bitsy needed.

6 Aggrieved, Mr. Letang placed an urgent application for Bitsy’s return on my roll for 27 January 2026. In that application, Mr. Letang claimed that he had been spoliated, because the SPCA unlawfully dispossessed him of Bitsy when Mr. Haricharan took the dog away on 2 January. At the outset of the hearing, I asked Ms. Simelane, who appeared for Mr. Letang, whether that case could survive Mr. Letang’s admission that he surrendered Bitsy to Mr. Haricharan when he was invited to do so. Ms. Simelane argued that, even though Mr. Letang had surrendered Bitsy, he meant neither to give up his ownership, nor to permanently give over possession of Bitsy to the SPCA. Ms. Simelane adverted to Mr. Letang’s message to Mr. Haricharan, asking to be informed when Bitsy is “ready for collection”.

7 But that submission missed the point. The question is not whether Bitsy’s surrender to the SPCA amounted to a waiver of ownership, or whether Mr. Letang intended to place Bitsy permanently in the SPCA’s care. The only

question is whether, at the point Mr. Haricharan took control of Bitsy, he did so with Mr. Letang's consent. Clearly, he did.

8 The question of whether that consent permanently altered the rights that could be exercised over Bitsy is irrelevant to these spoliation proceedings, since spoliation is only concerned with whether a transfer of possession took place lawfully. Whether that transfer resulted in a right of retention or a change in ownership can be explored in separate proceedings. But once Mr. Letang conceded, as he had to, that he voluntarily placed Bitsy with the SPCA, there could have been no question of the SPCA having unlawfully dispossessed him. There may have been a basis for vindictory relief (though that claim, too, would in my opinion have faced formidable obstacles), but that is not the application Mr. Letang brought.

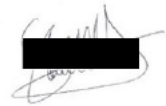
9 For these reasons, the spoliation application must fail. Mr. Kohn, who appeared for the SPCA asked for attorney and client costs, on the basis that this application was so lacking in merit that it should never have been brought in the first place. It is true that this application was based on an elementary misconception of law, but I do not think that mistake can be attributed to Mr. Letang. This is not the first time I have been constrained to observe that the legal representatives currently acting for Mr. Letang have brought a fundamentally misguided claim before the urgent court (see *Kruger Ranch Farms Investments (Pty) Ltd v ABSA Bank Limited* [2026] ZAGPJHC 19 (19 January 2026) ("*Kruger Ranch*"), paragraph 13).

10 The mistakes made in litigating both Mr. Letang's case and the *Kruger Ranch* case were so fundamental that it seems to me that the representation provided

to the applicants in both matters fell below the standard that ought reasonably to be expected of a legal practitioner admitted to appear in our courts. While I am loath to punish counsel for arguing unmeritorious submissions, there may well come a time when counsel who repeatedly make transparently untenable arguments before me are directed to pay the costs occasioned by their gross ineptitude in their personal capacity.

11 However, given the high premium to be placed on the freedom of counsel to make submissions that turn out to be wrong, I do not think that stage has yet been reached. There will be a costs order against Mr. Letang on the ordinary scale.

12 The application is dismissed with costs.



S D J WILSON
Judge of the High Court

This judgment was prepared by Judge Wilson. It is handed down electronically by circulation to the parties or their legal representatives by email, by uploading it to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 29 January 2026.

HEARD ON: 27 January 2026

DECIDED ON: 29 January 2026

For the Applicant: Ms Simelane
(Trust Account Advocate)

For the Respondent: MD Kohn
Instructed by Christo Mulder Attorneys