IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 2025-209145

(1) REPORTABLE:
(2) OF INTEREST TO OTHER JUDGES:
(3) REVISED.

30/01/2026 [redacted]

DATE SIGNATURE

In the matter between:

WEHMEYERS ATTORNEYS	Applicant
and	
ECONOMIC FREEDOM FIGHTERS	First Respondent
MOLAHLEGI GLADYS MOGAL	Second Respondent
LERATO KGATLE	Third Respondent
MMAMATHETE RASINAH MOTAU	Fourth Respondent

JUDGMENT

MBONGWE, J:

INTRODUCTION

[1] The Applicant approached this Court on urgency in terms of Rule 6(12) seeking interdictory relief against the Respondents. The application follows an unexpected approach of the Applicant's business premises in Centurion, Tshwane, by members of the local branch of the First Respondent, the Economic Freedom Fighters political party, and the Second to Fourth Respondents, the disgruntled clients of the Applicant, to carry out a protest demonstration and demand payments of alleged balances of the settlement amounts paid to the Applicant by the Road Accident Fund.

[2] Members of the local branch of the EFF led the demonstration after the branch had been approached for assistance by the Second, Third and Fourth Respondents.

[3] The dispute between the Second Respondent and the Applicant commenced after the publication of a post on the WhatsApp status of the Second Respondent in March 2025, denigrating and gaslighting the Applicant for allegedly refusing to pay the alleged full balance of the amount due to her in respect of her RAF claim. The post also threatened to solicit the assistance of members of the EFF in the matter.

[4] On 25 March 2025, the Applicant wrote to the Second Respondent warning her that it will lay criminal charges against her and seek an interdict, if the threats continued.

[5] On 16 September 2025, the Second Respondent and members of the First Respondent arrived at the premises of the Applicant and demanded payment to the Second Respondent. Threats were made to burn down the Applicant's premises. The deponent to the founding affidavit held discussions with a representative of the EFF, Katlego Chauke ('Katlego'), whom he advised of the

awaited payment of the party and party costs and the amount that will be due to the Second Respondent.

[6] On 29 October 2025, Katlego wrote a letter to the Applicant, on the letterhead of the EFF, accusing the Applicant of misconduct and threatening further action, including approaching the local municipality and seeking permission to hold a protest demonstration outside the Applicant's premises. In a subsequent letter, Katlego accused the Applicant of having underpaid the Third and Fourth Respondents in claims similar to the Second Respondent's. In the same letter, Katlego stated the 4 November 2025 as the date the demonstrations would occur.

[7] On 31 October 2025, the Applicant wrote letters to the Second, Third and Fourth Respondents, respectively, enclosing these respondents' claim documents and advising them that there were no further payments due to them until the party and party costs have been paid. The respondents were further advised to approach the Legal Practice Council, if dissatisfied with anything. The Applicant also threatened to obtain an interdict against the respondents.

[8] True to his word, on 4 November 2025, Katlego Chauke, members of the EFF, the Second to Fourth Respondent and about 20 other people arrived at the premises of the Applicant in six motor vehicles. The Applicant activated its panic button, and security arrived shortly thereafter and prevented whatever the respondents had planned to do.

[9] The Applicant launched and served this urgent application on the Respondents, including the First Respondent, the following day seeking restraint orders against the respondents. The First Respondent alleges to have been served at its head office in Johannesburg at 11h44 and was required to file its opposition papers by 16h30 on that day.

OPPOSITION

POINT IN LIMINE

[10] The First Respondent contends that its citation in these proceedings was a misjoinder as it has no substantial interest in this matter, and that neither Katlego Chauke nor the Second to Fourth Respondents had the authority to bind it. It further contends that the Applicant, despite being aware since 25 March 2025 that the Second Respondent had been brandishing its name (EFF), had failed to notify it, but chose to communicate with it for the first time by the service of this application on very short notice. Furthermore, the Applicant has not demonstrated that it could not resolve its dispute with the Second to Fourth Respondents without engaging it (EFF). The First Respondent contended that it had no knowledge of this matter until it was served with the papers. Moreover, the Applicant failed to respond to an email in which the First respondent had asked that it be excluded from the case. The First respondent seeks that it be excluded from any relief, including costs, in this case.

URGENCY

[11] The First Respondent argued that the alleged threats to the Applicant commenced on 25 March 2025, but the Applicant had never written to it and demand restraint. To this end, the First respondent contends that this matter is not urgent, or that urgency was self-created by the Applicant.

Urgency

Requirements For Interim Interdict

[12] The requisites for interim interdictory relief vis-à-vis the First Respondent are:

1. a clear right, or a prima facie right;

2. a reasonable apprehension of irreparable harm if the relief is not granted;

3. the absence of an adequate alternative remedy; and

4. that the balance of convenience favours the granting of relief.[1]

[13] No evidence was placed before the Court to show that the First Respondent authorised, ratified, or endorsed the conduct of its branch. The mere use of regalia and letterhead does not, without more, establish authority.[2]

[14] The apprehension of harm, insofar as it relates to the First Respondent, is speculative. The balance of convenience does not favour binding a party that has not been shown to be responsible for the impugned conduct.

[15] In response to a question, counsel for the Applicant candidly advised that the First Respondent was cited *ex abudandi cautela* to ensure that it is aware of the proceedings.[3] This does not suffice to establish a direct and substantial interest warranting the joinder of the First Respondent and seek relief and costs against it.

[16] The First Respondent opposed the application on two grounds:

1. It had not been aware of, nor did it authorise the actions of its branch; and

2. The interdictory relief is improperly sought against it by the Applicant, including the costs of the application.

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[1] *Setlogelo v Setlogelo 1914 AD 221 at 227*. See also: *Webster v Mitchell* 1948 (1) SA 1186 (WLD); *City of Tshwane Metropolitan Municipality v AfriForum and Another 2016 (9) BCLR 1133 (CC) at para 49; National Treasury and Others v Opposition to Urban Tolling Alliance and Others 2012 (6) SA 223 (CC) at para 41.*

[2] Blower v Van Noorden 1909 TS 890 at 905 (agency and authority). See also: South African Eagle Insurance Co Ltd v NBS Bank Ltd (294/99) 2001 ZASCA 118.

[3] *United Watch & Diamond Co (Pty) Ltd v Disa Hotels Ltd* 1972 (4) SA 409 (C) at 415. See also: *De Villiers and Others v GJN Trust and Others* 2019 (1) SA 120 (SCA); *Anglo South Africa Capital v Industrial Development Corporation of SA* 2004 (6) SA 196 (CAC).

AUTHORITY RELIED UPON

[17] The First Respondent relied on the Labour Court decision in *Spar Group Ltd v Economic Freedom Fighters and Another* (J 427/16, Labour Court, Johannesburg). In that matter, the Court held that, absent proof of authorisation or sanction by the national structure, the mother body could not be interdicted merely because its members or branches acted under its name and regalia.[4]

[18] The court stated that such authority is directly apposite as it underscores the principle that liability for interdictory relief cannot be extended to a mother body in the absence of evidence that it directed, endorsed, or ratified the impugned conduct. The court concluded that the Applicant's attempt to bind the mother body was misconceived.

COSTS

[19] As to costs, the general rule is that costs follow the event. It is equally well established that a party unnecessarily joined should not be burdened with costs and may even be entitled to costs against the litigant who joined it.[5]

[20] The Second Respondent was compelled to oppose the application to protect its interests and clarify its non-involvement. Its opposition was justified. The Applicant must therefore bear the costs of this respondent.

CONCLUSION

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[4] *Economic Freedom Fighters v Brightstone Trading 3 CC t/a Gordon Road Spar and Others* (J 427/16, Labour Court, Johannesburg).

[5] *Ferreira v Levin NO and Others* 1996 (2) SA 621 (CC) at 624.

[21] The Applicant had at least three earlier opportunities to launch this application, being 25 March 2025, 16 October 2025 and 29 October 2025, but failed to do so. Urgency was, consequently, self- created. The joinder of the First Respondent was unnecessary and inappropriate. In the circumstances, the application falls to be dismissed with costs insofar as it relates to the First Respondent.

ORDER

[22] Consequent to the findings in this judgement I make the following orders,

1. The application is dismissed, to the extent that it relates to the First Respondent.

2. The Applicant is ordered to pay the costs of the First Respondent.

[redacted]

MPN MBONGWE

JUDGE OF THE HIGH COURT

GAUTENG DIVISION

PRETORIA

APPEARENCES

For Applicant:	Adv F Grobler SC
With	Adv C Jooste
Instructed by:	Wehmeyers Attorneys
For the First Respondent:	Adv S Dlamini
Instructed by:	Gardee Godrich Attorneys

Date of Hearing: **13 November 2025**

Date of Judgement: **30 January 2026**

THIS JUDGEMENT WAS ELECTRONICALLY TRANSMITTED TO THE PARTIES' LEGAL REPRESENTATIVES AND UPLOADED ONTO CASELINE ON 30 JANUARY 2026.