



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO: 2025-232215

(1)	REPORTABLE:
(2)	OF INTEREST TO OTHER JUDGES:
(3)	REVISED.
DATE <u>18/02/2026</u> SIGNATURE	

REVIRON SERVICES (PTY) LTD

Applicant

and

HEINDRIGHT BEKKER

First Respondent

PERINBAM BEKKER

Second Respondent

BERNICE TRILLING

Third Respondent

ELAINE MARKUS

Fourth Respondent

KARIEN DU TOIT

Fifth Respondent

JUDGMENT

MBONGWE, J:

INTRODUCTION

- [1] The applicant has brought this application on an urgent basis in terms of Rule 6 (12) seeking final interdictory orders against the 1st and 2nd respondents on

the grounds of alleged defamation. The relief sought against the 3rd to 5th respondents is no longer relevant in this matter.

BACKGROUND MATRIX

- [2] The 1st and 2nd respondents had, through their project manager, engaged the services of the applicant, an electrical services company, to do electrical work at their residence. The work has not been completed owing to disputes that have arisen relating to the extent and quality of the work and the alleged difference in the amount originally quoted for the work.

- [3] Dissatisfied, the 1st and 2nd respondents posted, anonymously, articles in the residents group Facebook page, on 31 October 2025 and 1 November 2025, wherein they, without naming the Applicant, essentially decried their experiences with their electrician, (the Applicant), albeit without mentioning its name, and enquired if other residents had had similar experiences and how they resolved the matter.

- [4] On or about 15 November 2025, and in response to an invitation for recommendations for a reliable electrician by another resident on the same Facebook group page, the respondents responded '*Do not use Reviron, they will rob you, we were done R600k*' and '*Don't use Reviron, Rob will rob you, we were done R600k*'. These comments form the basis for these proceedings.

- [5] The director(s) of the applicant, who are also resident in the same residential area as the respondents, became aware of the aforementioned comments by the respondents. About fifteen (15) days after publication of the comments, the applicant sent correspondence to the respondents demanding that they remove their comments within 48 hours, failing which, action will be taken against them.

The respondents responded promptly to the demand and confirmed that they have removed the impugned comments from the group Facebook page.

- [6] In the meantime, the Applicant established that the authors of the anonymous postings of 31 October 2025 and 1 November 2025 were the third to fifth respondents – hence their citation in these proceedings. However, the 1st and 2nd respondents later admitted that they were, in fact, the authors of those anonymous posts. This admission resulted in the Applicant abandoning the relief sought against the 3rd to 5th respondents.

- [7] The applicant launched this application against the respondents on an urgent basis on 28 November 2025 and attempted to have the same served, in particular, on the first and second respondents on the same day at their residence, the construction site, despite knowing that the respondents had not been living there since the commencement of the renovations. As was to be expected, a return of non-service was issued by the Sheriff.

- [8] Three days later, on 1 December 2025, the Applicant effected a meaningful service of the Application on the 1st and 2nd respondents via email. In that application, the Applicant sought the following orders:
 - a) *“That the 1st and 2nd respondents are interdicted and restrained from; publishing or releasing any public statements concerning or otherwise relating to the applicant in any form;*
 - b) *Making any communication, whether in writing, electronically on social media platforms, telephonically or in person, that insult and or seek to undermine or harm the applicant's reputation and dignity;*
 - c) *Defaming, insulting and tarnishing the Applicant's good name and reputation in any manner, way, or form;*
 - d) *Publishing injurious falsehoods about the Applicant and/or in reference to the Applicant;*

- e) *That the 1st and 2nd respondents remove any and all communication, whether in writing, including electronically or on social media platforms, telephonically or in person that insults and/or undermines or harms the applicant's reputation and dignity;*
- f) *That the 1st and 2nd respondents remove and delete any defaming, insulting and tarnishing social media posts, which directly or by implication insult and/or tarnishes and/or defames the applicant's good name and reputation in any manner, way or form;*
- g) *That the 1st and 2nd respondents remove and/or delete their social media posts which either directly or by implication had injurious falsehoods about the applicant and/or in reference to the applicant;*
- h) *That the 1st and 2nd respondents provide a written public apology to the applicants on their social media platforms and on the Midstream Estate Owners and Tenants ONLY Facebook Group.*
- i) *That the 1st and 2nd respondents be ordered to pay the costs of this application on an attorney and client scale, the one paying, the other to be absolved."*

OPPOSITION

A. POINTS IN LIMINE

LACK OF URGENCY

- [9] Premised on the contention that the trigger dates for the urgent application were on 31 October 2025 and 1 November 2025, the dates of publication of the impugned messages, the Respondents contended that the Applicant's issuing of the urgent application on 28 November 2025 evidence the absence of urgency and that urgency was, therefore, self – created. Furthermore, the Respondents contend that Applicant's waiting for a further three days after the unsuccessful service of the application on 28 November 2025, and effective service on 1 December 2025, at an address known to the Applicant to be a mere construction site, is again evidence that the application was never urgent, or that urgency has been self-created. The Respondents seek the dismissal of the urgent application with costs, accordingly.

B. DEFENCES

INCOMPETENCE OF THE RELIEF SOUGHT BY THE APPLICANT

- [10] The respondents contend further that the Applicant's launching of the urgent application seeking final interdictory relief about four weeks after the impugned posts had been removed was ill-conceived as the cause of complaint no longer existed. The order sought would, consequently, serve no practical purpose.

NON-OFFENSIVE POSTS

- [11] The Respondents contend that there is nothing defamatory in the remaining unanimous posts of 31 October 2025 and 1 November 2025; neither post mentions the names of the Applicant or any of its employees and that these posts merely express alarm about the amount they have been charged for electrical work, dissatisfaction with services that had been rendered to them, and seek advice from the members of the group. The Applicant's demand for their removal lacks grounding, so contend the Respondents.

THE LAW

- [12] An unexplained delay in launching an urgent application is considered fatal because it suggests that the matter is not truly urgent. A failure to explain the delay in an application for condonation may be fatal (see *Aspen Holdings (Pty) Ltd v Phelane and Another*)¹.

REQUIREMENTS FOR URGENCY

- [13] The requirements for agency are governed primarily by rule 6(12) of the Uniform Rules of Court. The rule allows a court to dispense with the normal forms, service

¹ 2025-4 BLLR -409 -LAC.

and time periods for applications in deserving cases. To succeed in an urgent application, an applicant must satisfy two core requirements in the founding affidavit. Firstly, the Applicant must explain the explicit circumstances of urgency. The applicant must set forth explicitly the specific circumstances that render the matter urgent; this involves showing a real ongoing or imminent threat of harm or injustice that requires immediate intervention. Secondly, the lack of substantial redress. The applicant must provide reasons why they would not be able to obtain substantial redress if the matter were heard in the ordinary course. Urgency must not be self-created.

CONDONATION

[15] Despite the delay of four weeks in launching the urgent application, the Applicant failed to explain the delay and seek condonation. This may be fatal, even where condonation has been refused for lack of a reasonable explanation for the delay.

[16] Section 16(2) of Act 10 of 2013 precludes the granting of an order in circumstances where the order interdicting the Respondents, *in casu*, will no longer serve a practical purpose. The cause of the complaint had already been removed when this application was launched by the Applicant.

CONCLUSION

[17] Following the findings on the shortcomings of the Applicant in this judgment, this application stands to be dismissed.

ORDER

[18] In line with the conclusion above, the following order is made;

1. The matter is not urgent.

2. The application is dismissed.
3. The Applicant is to pay the costs of this application, including the costs consequent upon the appointment of two counsel on scale C.


MPN MBONGWE
JUDGE OF THE HIGH COURT
GAUTENG DIVISION
PRETORIA

APPEARANCES

For the Applicant	Advocate T Ellerbeck
Instructed by	Nathea Smith Attorneys
For the First Respondent	Advocate AJ Glendinning
	Advocate AJ Cronje
Instructed by	Otto Krause Incorporated
Date of Hearing:	10 December 2025
Date of Judgement:	18 February 2026

THIS JUDGEMENT WAS ELECTRONICALLY TRANSMITTED TO THE PARTIES' LEGAL REPRESENTATIVES AND UPLOADED ONTO CASELINE ON 18 FEBRUARY 2026.