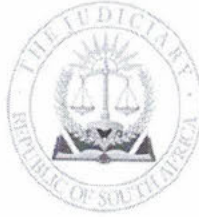


IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA



Case number: 2024-093956

Date of hearing: 12 February 2026

Date delivered: 24 February 2026

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES /NO	
(2) OF INTEREST TO OTHERS JUDGES: YES /NO	
(3) REVISED	
24/2/26	[REDACTED]
DATE	SIGNATURE

In the application between:

PIERRE PIENAAR

Applicant

and

JENNINGS INC

First Respondent

ANDRI JENNINGS

Second Respondent

PIERRE PIENAAR NO

Third Respondent

JOHAN JORDAAN NO

Fourth Respondent

KOBUS VAN DER WESTHUIZEN NO

Fifth Respondent

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

SAMUEL SIYABONGA MOHLONGI N.O.
(in his capacity as trustee of the insolvent
estate of Pierre Pienaar)

Sixth Respondent

JUDGMENT

SWANEPOEL J:

[1] The applicant seeks leave to appeal against my order of 5 December 2025 in which I held the applicant in contempt of the order of Manamela AJ (as he then was), and in which I imposed a sentence of imprisonment which was partially suspended.

[2] The material grounds for appeal are the following:

[2.1] That the Court erred in sentencing the applicant to imprisonment;

[2.2] That the sentence should have been suspended;

[2.3] That the Court erred in dealing with the matter as if it were unopposed, whilst the applicant appeared in Court in person;

[2.4] That the Court erred in not enquiring from the applicant whether he wanted to appoint an attorney and/or acquire the services of the Legal Aid Board;

[2.5] That the Court erred in holding that in the absence of an answering affidavit, the matter would be considered on the applicant's version, and the oral statements could not be considered;

[2.6] That the Court should have found that there was insufficient evidence to find the applicant guilty beyond a reasonable doubt;

[2.7] That the Court erred by imposing a sentence that exceeds the sentence sought by the first and second respondents.

[3] In a supplementary notice for leave to appeal, the applicant contended that the order of Manamela J required the first and second respondents to institute action within 20 days of the order. The applicant alleges that the action was instituted outside of that time period, resulting in the interim order lapsing.

[4] The latter argument, that the interim order lapsed can be easily disposed on. The Manamela AJ order was handed down on 4 September 2024. Twenty court days expired on 3 October 2024. The summons was issued on 3 October 2024 at 14h54, on the 20th court day. It was held in *Labuschagne v Labuschagne; Labuschagne v Minister van Justisie*¹ that an action is launched when the papers are issued, not when service occurred. The action was thus launched timeously.

[5] The applicant's first and second ground for leave to appeal is that he should not have been sentenced to direct imprisonment. That ground

was not pursued in argument, and I am not sure why direct imprisonment for thirty days is inappropriate, more especially when the applicant has expressly said that he does not intend to stop pursuing his defamatory vendetta against the second respondent. In my view direct imprisonment for such a short period is imminently appropriate.

[6] The third and fifth grounds are that the matter should not have been dealt with on an unopposed basis. The applicant did not present any authority for the proposition that, where there is no version by the applicant under oath, the matter may still be regarded as being opposed. The rules are clear and are spelled out expressly in the notice of motion: If the applicant wanted to oppose the matter he was obliged to deliver a notice of opposition, and he was obliged to file an answer to the founding affidavit. He failed to do so. He also never sought a postponement of the matter in order to file an answer.

[7] I also know of no authority that the applicant's oral statements in court, which were not under oath, could be regarded as evidence. In my view the applicant's statements carried no evidentiary value whatsoever.

[8] As far as the contention that there was insufficient evidence to find the applicant guilty beyond a reasonable doubt is concerned, I disagree. The evidence, which is set out in my judgment and which I will not repeat, is overwhelming. I have no doubt that it was the applicant who continued to defame the first and second respondents on Facebook, and I do not believe the contention that a mysterious administrator, who is unknown

to everyone, suddenly and without the applicant's knowledge, posted the identical defamatory material on the applicant's Facebook site.

[9] The applicant's contention, that I was bound to only impose the sanction sought by the first and second respondents, namely, 30 days' imprisonment, and that I was not entitled to impose the added suspended sentence is also in my view bad in law. Contempt proceedings do not only concern the rights of the aggrieved party. They also aim at protecting the dignity of the Court and at reinforcing the integrity of court orders. The Court, therefore, has an interest in the imposition of a sentence that achieves that purpose. For those reasons, a court hearing a contempt application is entitled to impose a sentence that it regards as just and equitable in the circumstances, even if it exceeds the sentence sought by the applicant.

[10] In this case the applicant was clear on his intention not to let his vendetta against the first and second respondents go. Instead of providing assurances that he would abide by the order in future, the applicant expressed his intention to continue to pursue the first and second respondents. He also concocted a story by which he sought to escape responsibility by laying the blame on an unknown 'administrator'. The applicant was not forthcoming, nor was he truthful. He continued to defame the first and second respondents in court. In all these circumstances, and in order to ensure that the applicant carried the proverbial sword over his head in order to prevent him from again

defaming the first and second respondent, I believed the added suspended sentence to be appropriate.

[11] The final ground, that I should have explained the applicant's rights to legal representation, and I should have given him an opportunity to obtain such representation is equally without merit. The applicant is a seasoned litigator, and on his own version he has been involved in some 37 cases involving the first and second respondents in one capacity or another. He has been sequestrated, and he has been the subject of the original contempt proceedings. He is a businessman and not a naïve litigant.

[12] Contempt proceedings entail a quasi-criminal enquiry. Although the proceedings are civil in nature, the respondent in a contempt application is faced with criminal sanction, and the possible loss of his freedom. Such a matter is not to be dealt with lightly, and in certain circumstances it may well be appropriate to warn the respondent of his right to legal representation as one would do in a criminal court.

[13] However, this is not such a case. The applicant has been litigating against the first and second respondents, and against other persons, over a period of some 12 years. He knows that he has the right to legal representation, and his rights in respect of opposing the application are expressly spelled out in the notice of motion.

[14] Warning a person of his right to legal representation is not merely a matter of rote, it is aimed at ensuring that the person is aware of his

rights. In a case like this, where the applicant knew that he could obtain legal advice, to require a formal notification to be made to the applicant would be placing form over substance. He knew exactly what his rights were.

[15] Consequently, I do not believe that another court would reasonably come to a different finding.

[16] I make the following order:

[16.1] The application for leave to appeal is dismissed.

[16.2] The costs of the application shall be paid by the applicant's insolvent estate, on the attorney/client scale.



**SWANEPOEL J
JUDGE OF THE HIGH COURT
GAUTENG DIVISION PRETORIA**

Counsel for the applicant:

Mr. T Roos

Instructed by:

**Van Heerden & Krugel
Attorneys**

Counsel for the respondent

M Jacobs

Instructed by:

**Roos van Dyk
Attorneys Inc**

Hearing on:

12 February 2026

Judgment on:

24 February 2026

¹ 1967 (2) SA 575 (A)