IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case No: 2025/137857

(1) Reportable: No
(2) Of interest to other Judges: No
(3) Revised: Yes
Date 26/03/2026
Signature

In the matter between:

P[...] A[...] F[...]	Applicant
and	
J[...] F[...]	First Respondent
D[...] J[...] F[...]	Second Respondent
REGIMA WORLDWIDE DISTRIBUTION (PTY) LTD	Third Respondent
REGIMA SKIN TREATMENTS CC	Fourth Respondent
VILLA VIA ARCADIA NO. 2 CC (Registration Number: 1996/004451/23)	Fifth Respondent
STRATEGIC LOGISTICS CC (Registration Number: 2008/136496/23)	Sixth Respondent
FIRSTRAND BANK LIMITED t/a FIRST NATIONAL BANK	Seventh Respondent

ABSA BANK LIMITED Eighth Respondent

THE COMPANIES AND INTELLECTUAL PROPERTY COMMISSION Ninth Respondent

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JUDGMENT

LABUSCHAGNE J:

[1] The applicant and the first respondent are married in community of property and are both office bearers in a family business involving the manufacture, distribution and marketing of skincare products. The parties are in the process of getting divorced.

[2] The applicant applied in the urgent court in the week of 16 to 20 March 2026 for urgent relief. He seeks to enrol an application of 09 February 2026, on supplemented paper, to obtain relief against the first respondent, based on contempt of court.

[3] The court order alleged to have been breached is one dated 19 August 2025 under the same case number and between the same parties. In that order, Kumalo J granted interim relief, pending Part B of the notice of motion (which still needs to be decided) containing interdicts against the first and second respondent(their son). These interdicts direct the respondents to surrender bank cards, to refrain from opening new banking accounts for the third to the sixth respondents and authorising the applicant to take control of the financial affairs of the third to the sixth respondents.

[4] This order was obtained *ex parte* and only one paragraph thereof is relevant in the current proceedings, namely Clause 2.5 which reads:

> "2.5 The first and second respondents are interdicted and restrained from dealing with the business (and the administration thereof) of the third to sixth respondents, and/or their employees, and/or their partners, and/or their clientele, in any manner in which any may sustain any prejudice."

[5] After the granting of the aforesaid order, the applicant brought an urgent application in November 2025, which was dismissed. Part of the papers in those proceedings were invoked in the argument before me. As those papers do not serve before me, I disregard them.

[6] The applicant is seeking relief based on the notice of motion of 09 February 2026 declaring the first respondent to be in contempt of the order issued by Kumalo J on 19 August 2025, ordering her to be committed to prison for six months or such other period as the court deems appropriate. As an alternative the applicant seeks an order for six months incarceration, suspended for five years. As a further alternative the applicant seeks the imposition of a fine and punitive costs.

THE FACTS

[7] The applicant moved out of the common home on 26 January 2026.

[8] On 04 February 2026, the applicant contends that an employee, Oliver Mphande (also referred to as "Arthur") attempted to perform a stocktake. The applicant contends that the first respondent interfered as the first respondent insists on being present in the stockroom. This is the first incident relied upon in the contempt proceedings.

[9] The second incident was on 23 and 24 February 2026 when the first respondent attended training held at the office. The training was being presented by Cherie Smith. The applicant contends that the first respondent's presence was not required. At the training a Ms Farrar and Ms Gayane Williams were present. The first respondent told Ms Gayane Williams that her presence was not needed. The applicant contends that she attends most of the training as she generally manages the slides and onscreen presentations.

[10] The applicant contends that the first respondent is guilty of breaching Clause 2.5 of the court order. Ms Farrar was also told to leave, but upon instructions of the applicant reattended. The first respondent again instructed her to leave.

[11] Ms Williams and Ms Farrar reported to the applicant that the first respondent warned the attendees that the certificates they received for attendance were not signed by her personally. The certificates were fraudulent.

[12] The first respondent's affidavit paints a different picture. With reference to the order of Kumalo J, the first respondent confirms that, even prior to that application having been brought (which was brought *ex parte*), she

surrendered all bank cards alluded to in that interdict. The first respondent contends that this application for contempt amounts to an abuse of process and she accuses the applicant of perjury.

[13] The applicant, the first respondent and their son (the second respondent) are involved in a business in the skincare industry. The third respondent is engaged in the distribution and supply of RegimA Skin Treatment, manufactured and sold by the fourth respondent, supplied and packaged by the sixth respondent. The fifth respondent is a property holding company which property is the operational base from which the third, fourth and sixth respondents conducts the aspects of their business activities. The first respondent established training facilities and programmes for therapists and skincare professionals.

[14] After the August order by Kumalo J, a mediation process followed and settlement agreements were entered into in September 2025 pertaining to the the third, fourth and fifth respondents. A defined procedure was agreed. The settlement agreements are in the process of being made orders of court. The applicant brought an urgent application on 04 November 2025 seeking a variation of the interim order, but that application was dismissed.

[15] On 09 February 2025 the applicant instituted an application for contempt, and it is that application which the applicant now seeks to be enrolled on the grounds of urgency.

[16] The first respondent's expressly denies that she interfered with any stocktake by Mr Mphande. Mr Mphande filed an affidavit confirming this.

The applicant was not present and the factual basis for his allegations of breach of the court order is therefore incorrect. The general practice was followed in this instance. On 04 February 2026 a RegimA Stockist Product Order Form was sent to Mr Mphande, requesting collection of specified products from the Warehouse, to package them, to load the packaged products onto a delivery vehicle, after which the applicant would drive the delivery vehicle to the Warehouse of the fourth respondent. The first respondent provided a RegimA Stockist Product Order Form which records the products removed from the Warehouse on 04 February 2026. There products were collected by the applicant and transported to the Warehouse of the fourth respondent on 04 February 2026.

[17] The applicant further contends that on 04 and 05 March 2026 the first respondent prevented Mr Mphande from performing a stocktake.

[18] On 04 March 2026 Ms Farrar delivered a RegimA Stockist Product Order Form to Mr Mphande. Shortly thereafter the applicant arrived at the communal home insisting on immediate packaging of the products. Mr Mphande responded that he would commence collecting and packaging the products but needed time until 06 March 2026 to deliver. The applicant appeared satisfied with Mr Mphande's undertaking and left the premises. At that time the applicant did raise the issue of his unpaid salary with the applicant. There was no interference with the order that was placed.

[19] On 05 March 2026 the applicant again attended the communal home and engaged with Mr Mphande in the Warehouse, insisting on immediate

delivery of the products he had come to collect. The applicant removed certain products, and Mr Mphande provided a list of the number of products so removed as an annexure to the answering affidavit.

[20] On 06 March 2026 the order was completed by delivery to the Warehouse of the fourth respondent. This evidence too does not indicate any disruption of the stocktake or of delivery by the first respondent.

[21] Regarding the alleged disruption of training on 23 and 24 February 2026, the first respondent explains that she has started training Ms Cherie Smith to assume the responsibility of presenting training sessions in due course. Ms Smith is however being supervised as she is not ready to present the training independently and without the assistance of the first respondent. The first respondent. The first respondent consequently continues attending training sessions to provide guiding an oversight both to the presenters and to the attendees. The first respondent is the only person within the fourth respondent authorised to sign training certificates issued to therapists and skincare technicians who have completed training.

[22] According to the first respondent Ms Farrar is an accountant with no experience or qualifications in respect of skincare or product training, whose attendance at training sessions was to ensure that refreshments are available. The first respondent consequently asked Ms Farrar to leave the training. Similarly, Ms Williams merely assists setting up the product displays and distributing samples of course materials. She has no involvement in the training itself. She was also advised that her attendance

was no longer required. This is confirmed by an affidavit of Mr Tshabalala, the first respondent's bodyguard.

[23] There is an allegation that the first respondent has taken Mr Mphande's work mobile phone from him, thereby frustrating communication between Mr Mphande and the business. Mr Mphande's affidavit confirms that the applicant's phone had broken and that he had offered a phone to her, as he has an alternative phone at his disposal.

THE REQUIREMENTS FOR CONTEMPT PROCEEDINGS

[24] As the applicant seeks criminal sanctions against the first respondent, the onus applicable in criminal proceedings applies. The applicant needs to establish contempt of court beyond reasonable doubt.

[25] What is more, the applicant bears the aforesaid onus in motion proceedings. The *Plascon-Evans* rule adds to the burden upon the applicant of establishing contempt. He must establish contempt of court on the version of the first respondent, unlesss it falls to be rejected.

[26] Despite valiant arguments by counsel for the applicant as to why the first respondent's version is not an impediment to the granting of relief to the applicant, the applicant has not established the contempt in question.

[27] I am satisfied that the first respondent's version, supported as it is by affidavits of Mr Mphande and Mr Tshabalala, dispels any concerns about wilful disregard of the order of Kumalo J.

[28] The requirements for contempt of court are trite. In these proceedings the applicant has established the existence of a court order (the order of Kumalo J), and that the first respondent is aware of the terms thereof. What the applicant further needs to establish is a breach of that court order and that such breach was wilful. Neither the breach nor wilfulness has been established.

[29] In the premises the application cannot succeed.

COSTS

[30] In the particulars of claim of the divorce proceedings (which are annexed to the papers before me), the applicant seeks a forfeiture of the benefits of the marriage in community of property as far as the businesses are concerned. A 15% forfeiture is claimed.

[31] The applicant has now on numerous occasions approached the court on an urgent basis for relief that cannot be substantiated. Counsel for the first respondent contends that the applicant is utilising contempt proceedings without substance as an instrument to bolster his claim for forfeiture in the pending divorce. There is much to be said for this and the conduct of the applicant in this regard is to be deprecated. The urgent application therefore warrants a cost order on a punitive scale.

CONCLUSION

[32] In the premises the application fails with costs on a punitive scale.

[33] I consequently make the following order:

1. The application is dismissed.

2. The applicant is directed to pay the costs of the application on the scale as between attorney and client.

LABUSCHAGNE J
JUDGE OF THE HIGH COURT

APPEARANCES

COUNSEL FOR APPLICANT : ADV COETSEE
ATTORNEY FOR APPLICANT : ELLIOT ATTORNEYS INC

COUNSEL FOR RESPONDENT : ADV NEL
ATTORNEY RESPONDENT : POTTAS ATTORNEYS