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|------------------------------------|------------------------|
| Reportable:                        | YES / <b><u>NO</u></b> |
| Circulate to Judges:               | YES / NO               |
| Circulate to Magistrates:          | YES / NO               |
| Circulate to Regional Magistrates: | YES / NO               |



**THE HIGH COURT OF SOUTH AFRICA  
(NORTHERN CAPE DIVISION, KIMBERLEY)**

CASE NO: **660/2025**

In the matter between:

**CAREL ARON VAN DER MERWE**

Applicant

and

**JOHANNES ZACHARIAS HUMAN MULLER**

First Respondent

**DEON MARIUS BOTHA**

Second Respondent

**PIETER HENDRIK STRYDOM**

Third Respondent

*In re:*

**JOHANNES ZACHARIAS HUMAN MULLER**

First Applicant

**DEON MARIUS BOTHA**

Second Applicant

**PIETER HENDRIK STRYDOM**

Third Applicant

and

**CAREL ARON VAN DER MERWE**

First Respondent

**SHANIE VAN DER MERWE**

Second Respondent

**ERIC TORR**

Third Respondent

**SKY TYLOR**

Fourth Respondent

**PROVINCIAL COMMISSIONER (NORTHERN CAPE),  
SOUTH AFRICAN POLICE SERVICE N.O.**

Fifth Respondent

**PROVINCIAL COMMISSIONER (GAUTENG),  
SOUTH AFRICAN POLICE SERVICE N.O.**

Sixth Respondent

**THE STATION COMMANDER, SOUTH AFRICAN  
POLICE SERVICE, FRASERBURG N.O.**

Seventh Respondent

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**Neutral citation:** *Carel Van Der Merwe v Johannes Muller and 2 Others*  
(660/2025) 17 April 2026  
**Coram:** ROACH AJ  
**Heard:** 20 November 2025  
**Delivered:** 17 April 2026  
**Summary:** Application for leave to appeal an interim order – When  
leave to appeal should be granted – Interim interdicts  
generally not appealable – Appeal also having no  
reasonable prospects of success or compelling reason to  
be heard – Application dismissed.

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**ORDER**

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- 1. THE APPLICATION FOR LEAVE TO APPEAL IS DISMISSED WITH COSTS ON ATTORNEY AND CLIENT SCALE; SUCH COSTS TO INCLUDE COSTS OF TWO COUNSEL, ONE OF WHOM IS A SENIOR COUNSEL, ON SCALE C.**
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**JUDGMENT**

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**ROACH AJ**

**INTRODUCTION:**

- [1] This is an application for leave to appeal against the order and decision made by me on 04 April 2025 wherein I granted an interim order in terms of Part A of an application brought in two parts, Part A being brought as one of urgency. The reasons for the order were subsequently provided on 07 April 2025.
- [2] The Applicant is the First Respondent in the main application. The application for leave to appeal is opposed by the First, Second and Third Applicants in the main application, whom I shall refer to in this

application for leave to appeal as the First, Second and Third Respondents. The relevant terms of the impugned order are the following:

“5. *Pending the final outcome of the application for the relief sought by the Applicants in Part B and the First Respondent’s counter application:*

5.1 *The First, Second, Third and Fourth Respondents are interdicted and restrained from making, posting or publishing any false or defamatory statements or comments, or any statements or comments which cause or which are designed to cause harm to the reputation of the Applicants or the business entities in which the First and Second Applicants are engaged namely Tshwane Trust Co (Pty) Ltd and Corporate Liquidators (Pty) Ltd (“the Corporate Entities”):*

5.1.1 *on any social media platform including the [Genoeg is Genoeg] Facebook Page; and*

5.1.2 *on any other media platform including print media, radio, television, You Tube or any other streaming platform.*

5.2 *The First, Second, Third and Fourth Respondents are ordered to remove or ensure the removal of the statements, posts and comments which are annexures NOM1.1 to NOM1.4 to the notice of motion delivered by the First and Second Applicants and the Annexures SA16.1, SA17.1, SA18.1, SA19.1, SA20.1, SA21.1, SA22, SA23, SA24, SA25, SA26 and SA27 to the supplementary affidavit filed by the First and Second Applicants (“the Impugned Statements”) from the [Genoeg is Genoeg] Facebook Page within 24 hours of service on them of an order granted by this Court, which service is authorised to take place in terms of paragraph 3 above.*

5.3 *The First, Second, Third and Fourth Respondents are ordered to remove or ensure the removal of the statements, posts and comments which are annexures PHS1 to PHS8 (“the Further Impugned Statements”) to the Notice of Motion delivered by the Third Applicant from the Facebook Page within 24 hours of service on them of an order granted by this Court, which service is authorised to take place in terms of paragraph 3 above.*

5.4 *The First, Second, Third and Fourth Respondents are directed to deliver affidavits to the First and Second Applicants’ attorney of record and the Third Applicant’s attorney of record within 7 days of service of this order in terms of paragraph 4 above, in which they confirm that they have complied fully with*

*the provisions of paragraphs 5.2 and 5.3 above and have removed or ensured the removal of the Impugned Statements and the Further Impugned Statements from the Facebook Page.*

- 5.5 *The Applicants are granted leave to make application to the urgent motion court, on the same papers duly supplemented, for an order declaring the First, Second, Third and Fourth Respondents to be in contempt of court and imposing such sanctions in respect of such persons found to be in contempt of court (including incarceration for as long as the contempt is not purged) as the court may deem appropriate.*
6. *The costs of Part A of the application, including the costs of the intervention application and the costs of the First Respondent's counter application, are reserved for determination in Part B."*

### **GROUND OFS OF APPEAL:**

- [3] The grounds of appeal are set out in a notice of application for leave to appeal dated 22 April 2025. In the notice, the Applicant indicated that he awaits the transcript and reasons for the order, requested on 12 to 15 April 2025, to substantiate the grounds of appeal; and to supplement the notice and the further affidavit as required. After obtaining same, he set out, on 24 July 2025, the amended grounds of appeal which are summarised below:

- 3.1 The interim order is final in effect; inflicts grave constitutional harm/injustices as it imposes a definitive restriction of rights; and causes irreparable harm to the Applicant and the public. The constitutional injustices include the violation of the right to freedom of expression; the fair hearing rights; and the right to equality before the law. The order is therefore appealable.
- 3.2. The interim order was granted in the face of procedural irregularities. The Court failed to enforce Rule 35(12)(b) of the Uniform Rules of Court which prohibits reliance on unproduced documents and without leave of the Court. Further, the Court conducted an *ex-parte* pre-hearing consultation between the

Court and the Respondents' counsel to the Applicant's exclusion, thus infringing judicial impartiality.

- 3.3. The Court erred in permitting hearing the application on an urgent basis; failing to ventilate all facts, particularly the Third Respondent's admission under oath; failing to apply the rules in *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd*<sup>1</sup> ("*Plascon-Evans*"); and misdirecting itself by applying the objective test for defamation.
- 3.4. The Court erred in law by granting an interdict without a *prima facie* right being established, and extending the granting of such relief to entities that are not parties in the application, e.g. Tshwane Trust Co (Pty) Ltd.
- 3.5. The Court erred in law by issuing an order with vague terms that definitively restrict Section 16(1)(b) and (c) rights through the prohibition of publication of posts on 'Genoeg is Genoeg', without a return date.
- 3.6. The order facilitated the SLAPP nature of the lawsuit.<sup>2</sup> The Court erred by issuing an order that shields the Respondents' fiduciary duties, conflict of interest, misconduct and accountability. The Court also erred in not acknowledging public interest, and in undermining public discourse and transparency in insolvency processes.
- 3.7. The Applicant has a reasonable prospect of success on appeal.

#### **APPLICABLE LEGAL PRINCIPLES:**

[4] Section 17(1) of the Superior Courts Act<sup>3</sup> provides as follows:

<sup>1</sup> 1984 (3) SA 623 A at 634H to 635C

<sup>2</sup> Strategic Litigation Against Public Participation as described in *Mineral Sands Resources (Pty) Ltd and Others v Reddell and Others* 2023 (2) SA 68 (CC) para 2

<sup>3</sup> 10 of 2013

***“17 Leave to appeal***

- (1) *Leave to appeal may only be given where the Judge or Judges concerned are of the opinion that-*
- (a)
    - (i) *the appeal would have a reasonable prospect of success; or*
    - (ii) *there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration;*
  - (b) *the decision sought on appeal does not fall within the ambit of Section 16(2)(a); and*
  - (c) *where the decision sought to be appealed does not dispose of all the issues in the case, the appeal would lead to a just and prompt resolution of the real issues between the parties.”*

- [5] The Superior Courts Act has raised the bar for granting leave to appeal. In *Mont Chevaux Trust v Tina Goosen and Others*<sup>4</sup>, Bertelsmann J held as follows:

*“It is clear that the threshold for granting leave to appeal against a judgment of a High Court has been raised in the new Act. The former test whether leave to appeal should be granted was a reasonable prospect that another Court might come to a different conclusion, see Van Heerden v Cronwright and Others 1985 (2) SA 342 (T) at 343H. The use of the word “would” in the new statute indicates a measure of certainty that another court will differ from the court whose judgment is sought to be appealed against.”*

- [6] In *Democratic Alliance v President of the Republic of South Africa and Others*,<sup>5</sup> the Full Court held the following:

*“... Leave to Appeal is not simply for the taking. A balance between the rights of the party which was successful before the court a quo and the rights of the losing party seeking leave to appeal needs to be established so that the absence of a realistic chance of succeeding on appeal dictates that a balance must be struck in favour of the party which was initially successful.”*

- [7] Leave to appeal can also be granted where the interests of justice so demand, as this may constitute a compelling reason for the appeal to

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<sup>4</sup> 2014 JDR 2325 (LCC)

<sup>5</sup> (21424/ 2020) [2020] ZAGPPHC 326 (29 July 2020) para 5

be heard.<sup>6</sup> Directly linked to this is the fact that the impugned order *in casu* is an interim interdict. In this regard, Khampepe ADCJ in *Economic Freedom Fighters v Gordhan and Others*<sup>7</sup>, said the following:

*“Turning to the present matter, it should be borne in mind that both Applicants seek urgently to appeal an interim interdict, which is purely interlocutory in nature. An interim interdict is a temporary order that aims to protect the rights of an Applicant, pending the outcome of a main application or action. It attempts to preserve or restore the status quo until a final decision relating to the rights of the parties can be made by the review court in the main application. As a result it is not a final determination of the rights of the parties. It bears stressing that the grant of an interim interdict does not, and should not, affect the review court’s decision when making its final decision and should not have an effect on the determination of the rights in the main application. The purpose of an interdict is to provide an Applicant with adequate and effective temporary relief.*

*... The law concerning the appealability of interim interdicts is settled. Interim interdicts are generally not appealable. This is because interim interdicts are not final in nature; they are not determinative of the rights of the parties and do not have the effect of disposing of a substantial portion of the relief claimed. However, these reasons are not exhaustive. There are various other sound policy reasons for the general non-appealability of interim interdicts. One of these is that appeals are not entertained in a piecemeal fashion, as that would prolong the litigation, resulting in the wasteful use of judicial resources and incurrance of legal costs.*

*However, an interim order may be appealed if the interests of justice so dictate. Accordingly, the paramount test for the appealability of a particular interim interdict is whether it would be in the interests of justice for that interim interdict to be appealed in the light of the facts of its specific case. As stated in South Cape Corporation, a court has a wide general discretion in granting leave to appeal in relation to interim interdicts. The appropriate test for the appealability of an interim interdict was perspicuously laid out by Moseneke DJC in OUTA where he affirmed that-*

*‘[t]his Court has granted leave to appeal in relation to interim orders before. It has made it clear that the operative standard is the interests of justice. To that end, it must have regard to and weigh carefully all germane circumstances. Whether an interim order has a final effect or disposes of a substantial portion of the relief sought in a pending review is a relevant and important consideration. Yet, it is not the only or always decisive consideration. It is just as important to assess whether the temporary restraining order has an immediate and substantial effect, including whether the harm that flows from it is serious, immediate, ongoing and irreparable.’<sup>8</sup>*

<sup>6</sup> *Ramakatsa and Others v African National Congress and Another* (724/2019) [2021] ZASCA 31 (31 March 2021) para 10

<sup>7</sup> [2020] ZACC 10; 2020 (8) BCLR 916 (CC); 2020 (6) SA 325 (CC) paras 47 to 51

<sup>8</sup> *National Treasury and Others v Opposition to Urban Tolling Alliance and Others* 2012 (6) SA 223 (CC); 2012 (11) BCLR 1148 para 25

*Accordingly, in determining what the interests of justice demand, a court must have regard to, and carefully weigh, all relevant circumstances and factors. Undoubtedly, the relevant factors will differ based on the facts of each case. These non-exhaustive factors include:*

- (a) the kind and importance of the constitutional issue raised;*
- (b) the potential for irreparable harm if leave is not granted;*
- (c) whether the interim order has a final effect or disposes of a substantial portion of the relief sought in a pending review;*
- (d) whether there are prospects of success in the pending review;*
- (e) whether, in deciding an appeal against an interim order, the appellate court would usurp the role of the review court;*
- (f) whether interim relief would unduly trespass on the exclusive terrain of the other branches of government, before the final determination of the review grounds; and*
- (g) whether allowing the appeal would lead to piecemeal adjudication and prolong the litigation or lead to the wasteful use of judicial resources or legal costs.” (My emphasis)*

- [8] Thus, the test for the appealability of an interim order is whether it would be in the interests of justice to hear the appeal. A Court deciding such an application for leave to appeal must weigh the factors set out in the judgment of Moseneke DCJ in *OUTA* and the circumstances and facts of the specific matter.

### **ANALYSIS:**

- [9] In the notice of application for leave to appeal, with regard to the appealability of the interim order, the Applicant stated that:

*“The interim order is appealable under Sections 17(1), 17(2)(a), 17(5) and 17(6) of the Superior Courts Act, 10 of 2013, as it inflicts grave constitutional harm, meeting stringent legal thresholds for appellate review. Its final effect, definitive restriction of rights, and irreparable harm to the [Applicant] and the public engage three foundational principles from South African jurisprudence, each grounding this appeal.”*

Reliance is then placed on *Zweni v Minister of Law and Order*<sup>9</sup> for an averment to the effect that the order is final in effect and causes irreversible harm on Section 9(1), 16, and 34 rights. Reference is made

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<sup>9</sup> 1993 (1) SA 523 (A)

to *City of Tshwane v Afriforum*<sup>10</sup> to substantiate the averment that the standard of “interest of justice” broaden the appealability of interim orders, especially where constitutional issues are implicated or where there is irreparable harm. The Applicant concludes the section by reinstating the alleged SLAPP nature of the order which is said to violate Section 33 of the Constitution.

[10] The Section on the appealability of the order was therefore framed in the most generalised and broad terms. In submissions made before me, it was argued on behalf of the Applicant that:

10.1. There are exceptions to the rule that interim orders are not appealable;

10.2. Interim orders can be appealed in exceptional cases and this case is an exceptional case; and

10.3. There were material disputes of fact and the test articulated by Corbett AJ in *Plascon-Evans* should have been applied, and I should have dismissed the Respondent’s urgent application subject to their replying affidavit and the Applicant’s counter application.

[10] It is imperative to note that the Applicant is once again unrepresented and indeed, it is difficult to follow the reasoning for the grounds of appeal. Needless to say, the Respondents also seem to find difficulty in following the reasoning of the Applicant.

[11] A matter came before the Supreme Court of Appeal (SCA) with perhaps similar issues, in *Harman v Strydom*,<sup>11</sup> (to which the First Respondent relied on during argument), which in fact deals with the Third Respondent in this matter. In the aforementioned case, Mothle JA,

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<sup>10</sup> 2016 (6) SA 279 (CC)

<sup>11</sup> (285/2024) [2025] ZASCA 108 (18 July 2025)

when explaining that the right to be heard (Section 34 of the Constitution) was not violated in that case, emphasised the following:

*“Second, there is no law or authority which excludes the jurisdiction of a high court, seized with an urgent ex-parte application, to adjudicate issues raised in such application. Where an urgent court considers and grants relief in an ex-parte application, any person whose rights are affected by such an order may apply for its reconsideration. This would entail the delivery of a notice of set down in the same urgent court that granted the order, for an expedited hearing to reconsider the order. This unique protection, provided for in Rule 6(12)(c), serves to cure any possible breach of the s 34 constitutional right to be heard. The Rule provides:*

*‘A person against whom an order was granted in such person’s absence in an urgent application may by notice to set down the matter for reconsideration of the order’.*

*It is an in-built urgent reconsideration, for which no timeframes are prescribed and no prior leave from the court is required. It also protects a Respondent against having to comply with the order, at least not before the Respondent, against whom the order is granted, is heard.”<sup>12</sup>*

[12] The Applicant did not avail himself for this simple remedy in Rule 6(12)(c), *in casu*. Instead, he instituted an application for leave to appeal. Adopting the latter approach is the Applicant’s rightful choice, however, he must satisfy the legal requirements and make out a case based on the approach he adopted. It is so that the Applicant seeks leave to appeal, without dealing with the reasons for the order being granted. I find this disingenuous and in the same breath, to assert that the Respondents were abusing Court processes.

[13] The Applicant was present during the *ex-parte* application and submitted a counter application which was received on the day of the urgent *ex-parte* application. In fact, the record would reflect that the Court granted the Applicant sufficient time to address the Court despite the fact that the Respondents were well within their rights to approach the Court on an *ex-parte* urgent basis.

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<sup>12</sup> *Ibid* para 15(b)

- [14] There is no merit in the Applicant's contention that the order granted by this Court has a final effect. It cannot be said that the order disposed of a substantial part of the main application. The impugned order and the subsequent reasons make it clear that a final determination of the rights of the parties shall be made in Part b of the main application. Pending that determination, the Respondents are entitled to an interim order, their right to dignity and reputation as professionals certainly has been infringed on face value. I fail to see how posting the statement- "*Liquidators are the same as paedophiles in an orphanage (sic)*", on the Facebook page- "*Genoeg is Genoeg*", is not *prima facie* defamatory in nature and not directed at the Respondents in this matter. In the reasons for the impugned order, I detailed the exercise of balancing competing constitutional rights in such cases, and I shall not burden this judgment with a repetition of that analysis. Ultimately, it is not in the interests of justice to allow an appeal under the circumstances. Consequently, the impugned order is not appealable.
- [15] The Applicant did not set out in the notice or during argument before me, the grounds on which I did not exercise a discretion judicially. The argument was focused primarily on the merits of the case and in regard to the appealability of the interim order in the most vague and generalised terms.
- [16] I accordingly find that the weighing of all the facts and circumstances of this matter renders the interim order not appealable.
- [17] The Applicant's grounds of appeal in the notice of motion were nothing more than a duplication of the arguments made before me previously and which arguments I had dealt with in the reasons. In *T&M Canteen CC v Charlotte Maxeke Academic Hospital and Another*<sup>13</sup>, Adams J held as follows:

***"Not much needs to be said about these overly technical defences, which, in my view, are without merit. For starters, these are all issues which have***

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<sup>13</sup> (36830/2021) [2021] ZAGPJHC 519 (14 October 2021) para 8

*already been decided in the main application. It does not behove the Respondents to rehash the same defences, which this court has already found to be without merit.” (My emphasis)*

- [18] The Applicant also raised some arguments from the bar. In *M.S.H v J.S.H – Application for Leave to Appeal*<sup>14</sup>, the Court held:

*“The question arises as to the extent a party is bound to the grounds set out in an application for leave to appeal when regard is had to Rule 49(1)(b)? **An Applicant seeking leave to appeal is required in peremptory terms to stipulate the grounds of appeal in succinct and unambiguous terms.** This enables the Court and the Respondent to assess and consider the merits of the application. The latter is then in a position to prepare and counter the Respondent’s case or, if there is merit, choose not to oppose the application. As the Respondent was taken by surprise, there was clearly prejudice to the Respondent as this was not the case she was called upon to meet when opposing the application for leave to appeal.*

*The failure to specify clearly in unambiguous terms exactly what case the Respondent must be prepared to meet meant that the application did not comply with Rule 49(1)(b). An application for leave to appeal may be dismissed on the basis of non-compliance with Rule 49(1).*

*In Phiri v Phiri and Others, Mavundla J held that ‘[i]t does not help the Applicant to marshal grounds of appeal from the bar which have not been set out clearly and succinctly in the notice of leave to appeal, no matter how meritorious these might be, . . . otherwise, there is no need for the Rules.’ This is a view with which I find myself in respectful agreement, and this view is echoed in several judgments.*

*As the Applicant’s application for leave to appeal does not meet the peremptory requirements of Rule 49(1)(b), the argument raised from the bar ought, as the current law stands, to be discounted for lack of its inclusion as a ground in the Notice of Application for Leave to Appeal. It follows, as a matter of course, that this additional point is not a valid ground upon which I may, or ought to, grant leave to appeal and falls to be dismissed.” (My emphasis)*

- [19] In *Maboho and Others v Minister of Home Affairs*,<sup>15</sup> the following was said:

*“The Respondent’s heads of argument namely paragraphs 3, 4 and 5 raise a point of law which should have been raised in the notice in terms of Rule 6(5)(d)(iii) and not for the first time in the heads of argument served on the Applicants before the court started and to the court during the hearing.*

<sup>14</sup> (8470/2021) [2023] ZAWCHC 345 (14 September 2023) paras 28 to 31

<sup>15</sup> (833/2007, 1128/2007) [2011] ZALMPHC 4 (28 November 2011) paras 12 and 13

*Argument is not evidence and it is not given under oath. It is merely a persuasive comment made by the parties or legal representatives with regard to questions of fact or law. Argument does not constitute evidence, and cannot replace evidence."*

- [20] In relation to the prospects of success, the Applicant made the following averments in the notice:

*"The interim order of 4 April 2025 is a constitutional travesty, silencing whistle-blowers and shielding misconduct. An Appellate Court will reverse it due to top five fatal flaws, restoring the [Applicant's] rights under Sections 16, 34, 9(1) and 33;*

8.1. *SLAPP abuse*

*The [Respondents'] unlawful collusion and ongoing warfare, jail threats (SA28, par 7.3) and reliance on vague terms like "further impugned statements" (Court Order, par 5.4), weaponise the courts to gag Genoeg is Genoeg's exposes, mocking Section 33 and Section 1(d) (Reddell [2022] ZACC 37, par 47-48).*

8.2. *Unfair process*

*Unlawful partnership between the liquidators and the Intervening party as the attorney for a major creditor in insolvent estates weaponising the legal system against interested parties of estates, secret meetings between the [Respondents] and the Judiciary prior to court hearings, late filings (1 April 2025, 23:01) and abuse of court the urgent proceedings and court procedures and denied responses, crushed Section 34 rights (Benert v Absa Bank Ltd [2010] ZACC 28, para 28).*

8.3. *Baseless Claims*

*Unverified harm (Founding Affidavit, p 019. par 67) and unchallenged SA26 and SA627 evidence collapse the [Respondents'] case (Setlogelo v Setlogo 1914 AD 221).*

8.4. *Overreach and Harm*

*Vague bans (Court Order, paras 5.1, 5.4) and non-party protections shield misconduct, irreparably harming creditors and Section 1(d) (National Treasury v OUTA [2012] ZACC 19, para 43).*

8.5. *Intimidation Tactics*

*The [Respondents'] jail threats (SA28 para 7.3) and demands for unpleaded removals exploit the order's vague contempt sanctions (Court Order, para 5.5), chilling lawful speech, deprive Section 16 rights to the [Applicant] and thousand public participants (S v Mamabolo [2001] ZACC 17, paras 29-30)."*

- [21] As already alluded to, the Applicant either raises issues that have been fully canvassed in the reasons, or issues that are raised for the first time

on the application for leave to appeal, or issues that are simply unmeritorious.

- [22] Accordingly, in addition to finding that the order made by me is not appealable, I have considered the further arguments raised before me. I am not persuaded that another Court will come to a conclusion different from my conclusion. The application has no prospects of success.

**ORDER:**

- [23] In the result, I make the following order:

1. **THE APPLICATION FOR LEAVE TO APPEAL IS DISMISSED WITH COSTS ON ATTORNEY AND CLIENT SCALE; SUCH COSTS TO INCLUDE COSTS OF TWO COUNSEL, ONE OF WHOM IS A SENIOR COUNSEL, ON SCALE C.**



**LJ ROACH AJ**  
HIGH COURT OF SOUTH AFRICA  
NORTHERN CAPE DIVISION  
KIMBERLEY

**APPEARANCES:**

For the Applicant:

**IN PERSON**

For the 1<sup>st</sup> and 2<sup>nd</sup> Respondents:  
Instructed By:

**ADV CHJ BADENHORST SC**  
**Vanessa Fernihough & Associates**  
Sandton  
c/o **PGMO Attorneys**  
Kimberley

For the 3<sup>rd</sup> Respondent:  
Instructed By:

**ADV AJ SCHOEMAN**  
**Strydom Bredenkamp Inc.**  
Pretoria  
c/o **Majiedt & Swart Inc.**  
Kimberley