



**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL LOCAL DIVISION, DURBAN**

Case No.: D12072/ 2024

In the matter between:

MANOR ESTATES HOMEOWNERS'

ASSOCIATION NPC

ROHAN JAMES EAGER

VICTOR CROWTHER

WILLIAM MURRAY

FIRST APPLICANT

SECOND APPLICANT

THIRD APPLICANT

FOURTH APPLICANT

and

SUNIL PRANPATH

RESPONDENT

This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the Parties/their legal representatives by email and by electronic distribution on SAFLII. The date for hand down is deemed to be 30 April 2026.

ORDER

The following order is made:

1. The respondent is interdicted and restrained from publishing or uttering any false and defamatory statements, whether orally, in writing, or on social media platforms (including WhatsApp and Facebook), imputing that:
 - (a) The Board members of the first applicant, its employees or agents, or the second to fourth applicants are corrupt, dishonest or unethical;
 - (b) That the second applicant is a criminal or otherwise unethical; and
 - (c) That the Homeowners Association is or has been operated or managed unlawfully, unethically or corruptly, or that units on the estate (to the knowledge of the Homeowners Association) have been constructed in a sub-standard or unsafe manner.
2. The respondent is interdicted and restrained from intimidating or in any way, or through the agency of others, from harassing the second applicant.
3. The respondent is liable to pay the applicants' costs on an attorney and client scale on Scale B, including costs of counsel.

JUDGMENT

CHETTY J

[1] The first applicant, the Manor Estates Homeowners Association NPC, (which I refer to as 'the Association') represented in these proceedings by its chairman (Mr Eager), the estate manager (Mr Crowther) and the operations manager of the estate (Mr Murray), brought an application for an interdict and declaratory order against the respondent (Mr Pranpath), whose wife is the registered owner of a unit in Manor Estates, which comprises 314 units in total.

[2] The applicants seek an order interdicting and restraining Mr Pranpath from publishing or uttering any words, including any postings on WhatsApp and Facebook social media platforms, which impute or insinuate that the Association and its board members are corrupt, dishonest and unethical, and have operated

the affairs of the Association unlawfully or in a manner that is sub-standard. The application is opposed by the respondent, who admits to the utterances but disputes that they were made with any malice or any intention to defame the applicants.

[3] In bringing these proceedings, the applicants emphasise that this application is not intended to stifle legitimate criticism that the respondent may have of the Association. Their complaint is that allegations by the respondent are devoid of any substance, are directed at the incorrect party and that there has been no attempt by Mr Pranpath to withdraw the allegations.

[4] According to the applicants, Mr Pranpath's campaign of defaming and maligning them commenced in 2019 after his unit suffered extensive damage following heavy rains in the region. The damage was caused as a result of water ingress from the unit above Mr Pranpath's. He lodged a claim with his insurer in respect of the costs of the repair, which claim was apparently resolved, and he was compensated. Problems between the Association and Mr Pranpath arose when he sought to recover compensation from the Association, which denied any liability for the damages he sustained, especially since he had already been successfully compensated by his insurer. In particular, Mr Pranpath alleged that the damages were attributable to certain structural defects, in particular, the issues of damp which manifested in his unit. The Association denied any liability, contending these should be directed at the developer, who, it transpires, has been placed into liquidation. In this regard, the Association contends that Mr Pranpath appears not to recognise the distinction between the Association and the developer (from whom the unit was purchased and who would be liable for structural defects).

[5] One of the grounds on which the respondent opposes the interdictory relief is that the applicants appear to have been selective in singling him out as the only person to have made utterances against them, when in reality the messages and publications which constitute the gravamen of the complaint were posted by a group of four disgruntled owners at Manor Estates. I am not persuaded that the applicants are obliged to pursue an action against all the persons who have made

defamatory allegations against them. It is sufficient that they make out a case against any of the persons who constitute part of the group. As the applicants point out by reference to various articles and emails, which are not disputed by the respondent, the allegations by him convey the impression that the applicants are operating and managing the affairs of the estate in a dishonest manner. If proven, that is sufficient to sustain their claim for the relief sought.

[6] The applicants rely on the dissemination of messages amongst those belonging to a WhatsApp social media group created to express the views of unit owners concerning the operation of their estate. The respondent does not deny the messages attributed to him but takes refuge in the fact that he was merely one of several participants. Once the applicants establish publication of the defamatory statements, wrongfulness and intention are presumed, and the onus falls onto the respondent to rebut them on one of the recognised defences.¹

[7] The test in determining whether statements or utterances are defamatory is an objective test; in other words, it is whether a reasonable reader would attribute to the words, having regard to the context in which they are used, a meaning that is defamatory.² Against this backdrop, I set out below a few extracts from the group chat which record the contribution by the respondent suggesting impropriety on the part of the applicants:

- (a) 7/24/22: "Good morning. Great to join the group. I will request the necessary documents from the HOA to follow the monies paid and the way it is expended and the benefit to all the residents. The ultimate aim is to build our asset and *prevent the looting on the estate of our hard earned money*. I moved out of my unit due to poor building practices of HDR and this resulted two major damage to my flat...";

¹ *Khumalo and Others v Holomisa* [2002] ZACC 12; 2002 (5) SA 401 (CC) para 18.

² *Le Roux and Others v Dey (Freedom of Expression Institute and Restorative Justice Centre as Amici Curiae)* 2011 (3) SA 274 (CC) (*Le Roux v Dey*) para 89.

- (b) 7/24/22: "I have [it] taken up with the office and speak to lady *as William hide(s) when he see(s) me*" (*sic*);
- (c) 8/29/22: "These *crooks are cleaning* us out";
- (d) 9/4/22: "The water tenders also have huge profits from as we are paying full for every drop we use. The free municipal units that are given arw *profits for their pockets*." (*sic*);
- (e) 9/4/22: "They are running a monopoly like Telkom";
- (f) 9/4/22: "Well these guys seem to be a law on their own and do as they wish";
- (g) 9/4/22: "The developer so is the chair and his father-in-law the money man of our estate and both don't live there";
- (h) 9/4/22: "They are *ducking* the AGM; When I come to the estate all the staff in the admin office run away";
- (i) 9/7/22: "They are a *dishonest* bunch... They hide when I come to the estate";
- (j) 10/8/22: "These guys are *snakes*"; and
- (k) 10/17/22: "I think there is a serious level of *dishonesty*". (My emphasis.)

[8] The respondent opposes the reliance on the WhatsApp messages as a basis for the claim that it has infringed the applicants' dignity and reputations. They attribute sentiments of dishonesty to the applicants, using words such as "crooks", "snakes", that the applicants are a "dishonest bunch", that they "duck" meetings, and are "looting" the estate. The respondent contends that these messages were exchanged in a "private owners WhatsApp group" and that the messages were somehow confidential in that access to them could only have been obtained with the consent of the members of the group. This ground of opposition falls to be dismissed on the grounds that publication means communication of the defamatory matter to at least one person other than the plaintiff. The exchange of messages and responses forming part of the papers clearly establishes the conveyance of the utterances to third parties. The respondent does not deny the exchange of messages attributed to his contact number, nor the content of those

messages. The respondent seemingly takes the view that it is “unclear” to him why the messages exchanged on WhatsApp are objectionable. The financial and emotional turmoil that the respondent and his wife have endured because of the defective nature of their unit is no justification for the utterances against the applicants. I am satisfied that in relation to the WhatsApp messages, the requirement of publication is met, and the statements, *per se*, ordinarily interpreted, can only be construed to demean the reputation and integrity of the applicants.

[9] The applicants also referred to articles in newspapers where the respondent made statements, which they construed to be defamatory. One article dated 29 March 2023 titled ‘*Ballito residents blame developer for “shoddy” houses*’ features the following extract:

‘Some residents said they had been unable to sell their properties due to cracks and mould on their walls, while some had vacated their houses after they were advised that it was unhealthy to occupy them. Sunil Pranpath, who owns a unit on the estate, said he moved out three years ago because of the water leaks. Pranpath said his furniture got damaged and he had to spend thousands of rand to fix the problems.

I have made numerous attempts to have either the developer or homeowners’ association repair the leaks, with no success. I recently checked with the Council for the certificates I should have received when I purchased the property and they could not find the land surveyor report or the NHBRC (National Home Builders Registration Council) enrolment certificate.’

The above article, as pointed out by the respondent, also referred to a comment by Ms M Reddy, an owner of a unit, who stated that she has been unable to attract tenants to her unit because of the mould inside.

[10] A second article in the Sunday Tribune relied on by the applicants titled ‘*All manor of allegations about Ballito estate*’, concerns accusations and counter-accusations of mismanagement and fraud at the estate. The article features comments ascribed to one of the unit owners, Mr Keeran Singh, who accuses the second applicant (Mr Eager) of “hiding” the estate’s true financial position.

[11] It is evident from the WhatsApp exchanges referred to earlier that Mr Singh is part of the group of owners who, together with the respondent, have expressed their misgivings regarding the state of affairs at the estate, including the alleged overcharging by the Homeowners' Association for water and electricity. Insofar as the newspaper articles refer to the respondent, it records his unhappiness at how the Association runs the estate and his complaint that defects to his unit have not been attended to. In response to these allegations, an opportunity to respond was accorded to Mr Eager on behalf of the Association. Mr Eager is recorded as saying that Mr Pranpath's tenants failed to look after his unit and that he had already been compensated by the insurance for damages to the unit, and further that he doubted that Mr Pranpath used the proceeds from the payout to attend to the repairs.

[12] Bearing in mind that defamation is the intentional infringement of another's good name or reputation, or the wrongful, intentional publication of words which has the effect of undermining another's reputation, I am respectfully unable to find anything objectionable in this article that would lead a reasonable reader to conclude that the respondent's comments lowered the self-esteem in which the applicants are held in the minds of 'right-thinking' or reasonable readers of the newspaper. The respondent's comments are purely factual and in no way defamatory to the applicants. It also bears noting that the respondent may have been equally offended by Mr Eager's comments that he (Mr Pranpath) did not use the proceeds recovered from the insurer to repair his unit. The comment may be construed by a reasonable reader as implying an element of deviousness on the part of Pranpath and that he is seeking to take advantage of his predicament. The respondent did not pursue this point, and it is not necessary to say anything more in that regard.

[13] The dissemination of the article in the Sunday Tribune on the respondent's Facebook page does not alter the essence of my finding that there is nothing defamatory in those articles. The same applies to the publication of these articles in other media platforms in the Ballito area. The applicants further contend that the allegations in the newspaper articles are untrue and inflammatory. These are bald

allegations which are not substantiated. I am unable to conclude that they have been made with an intention to defame the applicants or to lower their standing and reputation amongst reasonable readers.

[14] The position is somewhat different when one has regard to the posting in the *Ballito Classifieds* (appearing as annexure “FA 6(c)”) where Mr Pranpath is quoted as saying:

‘Potential buyers for Manor Estates please be aware of the following

1. The estate is non-compliant with CSOS as the rules are not registered;
2. The directors of the HOA had failed to comply with an enforcement order to make the financial records available;
3. No dispute process followed;
4. The estate manager is not registered with the EAAB.

I don’t see how banks will finance buyers.’

[15] The comments by the respondent related to a dispute between the Association and Mr and Mrs Duffieds, who are the owners of a unit on the estate. The Duffieds lodged a complaint against the Association in terms of s 39 of the Community Schemes Ombud Service Act 9 of 2011 (the ‘CSOS Act’) and sought disclosure of the Association’s financial statements for the period February 2022 to February 2023. This dispute has nothing whatsoever to do with the respondent’s grievance against the Association, stemming from the water damage to his unit. Following a ruling by the CSOS Ombud in favour of the Duffieds on 27 October 2023, the respondent has sought to opportunistically seize on the ruling to bolster his own grievance with the Association. This is the only reasonable inference to be drawn from the facts. The applicants point out that following the ruling, the Duffieds were invited to inspect the financial records at the offices of the Association’s attorneys, but for reasons unknown, the inspection did not take place. There is nothing to gainsay their version.

[16] The respondent contends that the publication in the *Ballito Classifieds* was done with the intention to “seek advice on this subject matter”. It is wholly unclear

from whom the respondent was hoping to obtain advice and on what subject matter. He denies that the publication is defamatory and contends that it is a “personal expression on the matter” after receiving a letter of demand from Mr Crowther, the estate manager, in respect of unpaid levies and restricted access to the estate. Again, the respondent’s reply is conspicuously vague.

[17] If Mr Pranpath wanted to express his views on the matter, the logical avenue would have been to write directly to the Association and the estate manager. Alternatively, he could have placed his grievances on the agenda for discussion and called a vote at a meeting of the Association’s members. Perhaps, fearing that he might not be able to win the day at a special general meeting, he chose instead, perhaps as a strategy, to air his views on a public platform, weaponising his right to freedom of expression. His use of words implying that the estate was “non-compliant”, “not registered”, failed to comply with orders and the “non-registration” of the estate manager, Mr Crowther, is in my view an intentional and calculated attempt to cast aspersions on the propriety of those responsible for the management of the estate. His defence amounts to none at all – his right to freely express his views are confined within constitutionally permissible bounds, otherwise it amounts to an abuse.³ There is no public interest in his utterances. As the applicants point out, Mr Crowther is not an estate agent, and there is no requirement for him to be a registered estate agent for the purposes of the position he occupies in the Association. The utterances by the respondent, in my view, could only have been made in order to create the impression in the mind of a reasonable reader that the Association was non-compliant with certain regulatory prescripts and prospective buyers ought to be on their guard.

[18] As the Constitutional Court in *Le Roux* clarified,⁴ once the plaintiff establishes the wrongful and intentional publication of a defamatory statement concerning the plaintiff, a presumption of wrongfulness and intent then arises,

³ *The Citizen 1978 (Pty) Ltd and Others v McBride (Johnstone and Others, Amici Curiae)* [2011] ZACC 11; 2011 (4) SA 191 (CC) paras 105; 222-231.

⁴ *Le Roux v Dey* para 85.

which can be rebutted by the defendant by proving a ground of justification. This onus can be discharged on a preponderance of probabilities. Where a plaintiff (or in this case the applicants) wish to point out the innuendo or 'sting' in the utterances of Mr Pranpath, and that the utterances are defamatory, the applicants must satisfy a two-stage enquiry: first, the ordinary meaning of the utterances, objectively assessed, in the mind of a reasonable observer or reader in the case where the statement has been printed and published.⁵ The second enquiry is whether it is likely to injure the good esteem in which the plaintiff is held by the reasonable or average person to whom it had been published or conveyed.⁶

[19] I agree with the applicants' contention that the respondent's statements are reckless and intentional (despite his denial) and could have only been made to create the impression in the mind of reasonable readers that the estate was not a property worth investing in. If there was any doubt as to the respondent's intention, the concluding statement that he "*does not see how banks will finance buyers*" unequivocally casts a shadow over any prospective buyer or investor looking to purchase property in the Ballito area. The intention could only have been to frighten off any prospective buyers from Manor Estates. It conveys the impression that the estate is not managed in accordance with statutory requirements, that there is some nefarious motive in not disclosing the estate's financial records and that the estate is managed by someone without the necessary "qualifications". When viewed collectively, and in the context of the statements being accompanied by the publication of the letter of demand issued by Mr Crowther for unpaid levies (albeit in pursuance of a legitimate function of the Association), the clear intention is to ward off potential buyers and tarnish the reputation of the Association and at least Mr Crowther.

[20] In respect of the impact of the respondent's conduct for the Association, the applicants aver that before April 2024, when the respondent commenced his campaign to defame and malign the Association and its Board of Directors,

⁵ Ibid paras 88-90.

⁶ Ibid para 91.

approximately three to four units were sold at the estate each month. In the four to five months following the publications by the respondent, there has not been a single sale. The only inference to be drawn is that the respondent's campaign had prejudiced the estate, its marketability and has frightened away potential buyers.

[21] While the respondent may have a gripe with the developer, the latter is a different entity from the Association, who are not responsible for any defects in the structure of the unit. If the respondent has a legitimate claim of the existence of mould in his unit, he is entitled to pursue all avenues to seek redress against the party who is liable for the shoddy construction. He is not entitled to malign the reputation of the Association and its directors and impugn their dignity and reputation by making unfounded allegations.

[22] I digress to consider one aspect which was not canvassed either in the papers nor in argument – whether the Association has a claim for defamation. Although the Association is not a natural person, it has a right at common law to its reputation and to protect its good name. In *Reddell and Others v Mineral Sands Resources (Pty) Ltd and Others*,⁷ which considered the dicta in *Media 24 Ltd and Others v SA Taxi Securitisation (Pty) Ltd (Avusa Media Ltd and Others as Amici Curiae)*,⁸ the Constitutional Court resolved the issue of whether corporations have a right to sue for defamation. Justice Majiedt writing for the majority, summed up the position as follows:

'[87] In sum, the majority judgment in *SA Taxi* is wrong in its reasoning that undergirds the finding that a trading corporation has a claim for general damages in defamation, based on the constitutional right to dignity. I unreservedly accept that a trading corporation has a right at common law to its good name and reputation, and that right is enforceable through a common-law claim for defamation. And, as I see it, there can be no legitimate objection to such a claim also being recognised constitutionally, particularly in view of the equality protection contained in the provisions of ss 8(4) and 9 of the Constitution. More

⁷ *Reddell and Others v Mineral Sands Resources (Pty) Ltd and Others* [2022] ZACC 38; 2023 (2) SA 404 (CC).

⁸ *Media 24 Ltd and Others v SA Taxi Securitisation (Pty) Ltd (Avusa Media Ltd and Others as Amici Curiae)* [2011] ZASCA 117; 2011 (5) SA 329 (SCA).

about that later. Where I part ways with the majority reasoning in *SA Taxi* is, for the reasons advanced, its finding that a trading corporation has a defamation claim based on the constitutional right to dignity. The second leg of that finding, the question whether the remedies available to it include a claim for general damages, will be considered presently.’

[23] In any event, neither the applicants or respondent raised the issue of the distinction between the Association as a juristic entity, being distinct from the second to fourth applicants who have a right to dignity and protection from defamation because of their hurt feelings as a result of certain utterances. Both may be impacted by the respondent’s defamatory statements, but their basis in law for relief may differ. My comments in this regard are purely *obiter* as these issues were not part of the case before me but arose in preparation of this judgment.⁹

[24] In light of the conclusion I reach regarding the utterances made by the respondent directed at the Association and its directors, which were published in the print and electronic media as well as the WhatsApp group chats, I do not find it necessary to make any determination regarding the allegations that the Association has overcharged its members for water and electricity (although these alone are sufficiently serious to warrant interdictory relief) as well as the claims of harassment and intimidation of having some person impersonate a police officer who threatened to arrest Mr Eager, the chairman of the Association, at the instance of the respondent. Whether or not the words had the intended effect by the respondent, is not the test. It is sufficient to show that the words were calculated or had the tendency or propensity to defame the applicants. While these allegations are refuted by the respondent and in respect of which I am unable to reach any conclusion based on the disputes of fact, such conduct has no place in

⁹ See *Investigating Directorate: Serious Economic Offences and Others v Hyundai Motor Distributors (Pty) Ltd and Others: In re Hyundai Motor Distributors (Pty) Ltd and Others v Smit NO and Others* [2000] ZACC 12; 2001 (1) SA 545 (CC); *Tulip Diamonds FZE v Minister of Justice and Constitutional Development and Others* [2013] ZACC 19; 2013 (2) SACR 443 (CC).

the resolution of disputes in the affairs of persons living in a communal residential environment.

[25] I am satisfied that the applicants have made out a case for final relief as set out in the notice of motion. The applicants have established a clear right to their good names and reputations, and that the utterances and statements attributed to the respondent have resulted in injury actually committed or reasonably apprehended. The respondent has not sought to tender an apology for his utterances and contends that he has a right to freedom of expression. It is trite that rights, even though entrenched, are not unrestrained, nor do they extend to the infringement of the rights of others to their dignity and good reputation. I am also satisfied that any alternative remedy for damages would be ineffective in the circumstances. The harm complained of is a continuing violation of the applicants' interests and can only be restrained by the grant of a final interdict.

[26] Mr *Shapiro SC*, for the applicants, submitted that the respondent should be liable for costs on an attorney and client scale. Mr *Chetty*, who appeared for the respondent, submitted that the respondent had attempted to resolve the matter with the applicants' attorney to prevent the escalation of costs. Accordingly, it was submitted that if the court was disposed to grant final relief against the respondent, in the context of the matter, costs should be ordered on a party and party scale.

[27] It is trite that the issue of costs is one which lies in the discretion of the court, such discretion to be exercised in a judicious manner. The applicants were obliged to bring this application for an interdict to halt the defamatory allegations made against them by the respondent, who waged a concerted effort without any proof that the applicants were those responsible for the uninhabitable unit he owns on the estate. Despite the applicants' drawing to the respondent's attention that they were not responsible for the defects found in his unit, the latter continued in his relentless campaign to malign their reputations. As pointed out in the founding affidavit, the campaign resulted in sales of units being brought to a halt. This, I have no doubt, was attributable to the respondent's conduct. He offered not a dint

of evidence to bolster his claims that the applicants were conducting themselves in a dishonest manner and to the overall detriment of the members of the Association. I see no reason why the applicants should be out of pocket when they were obliged to turn to the court to defend their reputations against a sustained campaign trumpeted by the respondent and his cohorts. His conduct justifies an award of costs on an attorney and client scale.¹⁰

Order

[28] I accordingly make the following order:

1. The respondent is interdicted and restrained from publishing or uttering any false and defamatory statements, whether orally, in writing, or on social media platforms (including WhatsApp and Facebook), imputing that:
 - (a) The Board members of the first applicant, its employees or agents or the second to fourth applicants are corrupt, dishonest or unethical;
 - (b) That the second applicant is a criminal or otherwise unethical; and
 - (c) That the Homeowners Association is or has been operated or managed unlawfully, unethically or corruptly, or that units on the estate (to the knowledge of the Homeowners Association) have been constructed in a sub-standard or unsafe manner.
2. The respondent is interdicted and restrained from intimidating or in any way, or through the agency of others, from harassing the second applicant.
3. The respondent is liable to pay the applicants' costs on an attorney and client scale on Scale B, including costs of counsel.



CHETTY J

¹⁰ See *Hartland Lifestyle Estate (Pty) Ltd and Another v APC Marketing (Pty) Ltd and Another* [2023] ZAWCHC 150; *Barloworld South Africa (Pty) Ltd v Not in My Name International NPC and Others* [2026] ZAGPJHC 73.

Appearances

For the applicant : WN Shapiro SC
Instructed by: Wiesinger O'Dwyer Inc
c/o Milar & Reardon
Address: 8 Pencarrow, Pencarrow Crescent
La Lucia Ridge
Umhlanga Rocks
Tel : 031 - 3042931
Email: keagan@millar-reardon.co.za

For the respondent: D Chetty
Instructed by: DC Attorneys
c/o Mervyn Gounden & Associates
Address 21 Swapo Road
Durban North
Tel 0718089454
Email: dc@dc-attorneys.co.za

Date reserved: 13 February 2026
Date of delivery: 30 April 2026