

IN THE HIGH COURT OF SOUTH AFRICAGAUTENG DIVISION, JOHANNESBURGCASE NO: 2025/198872DATE: 2026-5-25

DELETE WHICHEVER IS NOT APPLICABLE
 (1) REPORTABLE: NO
 (2) OF INTEREST TO OTHER JUDGES : YES
 (3) REVISED



SIGNATURE

25 May 2026

In the matter between

10 TEXTON PROPERTY FUND LTD AND OTHERS Applicants

and

CHRISTINE VEENA GOVINDSAMY
AND ANOTHER RespondentsSummary

Unacceptable failings in the production of a judgment *ex tempore* are outlined and discussed.

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J U D G M E N T

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WILSON, J: This is an urgent application to restrain the first respondent from making utterances and disseminating written material which the applicants regard as defamatory. The applicants also seek to restrain threats that they regard as extortionate. The applicants comprise various investment companies, and an investment trust together with its trustees.

Prior restraints on expression are not easily granted. Generally speaking, a person must tolerate expression they do not like, even if they honestly believe it to be defamatory or otherwise injurious, unless they can show that irreparable loss – loss of the kind that would not be compensated for in an action for damages – will be caused unless the expression is interdicted. Even then, significant weight must be attached to the exercise of the speaker or publisher’s rights to free expression under section 16 of the
10 Constitution, 1996. A prior restraint should only be granted if it would, on all the facts, embody a justifiable limitation on that constitutional right.

In this matter, no such case is made out. The closest the applicants come to such a case is in their claim of extortion. But, on closer examination, the claim of extortion outlined on the applicants’ papers is merely that the first respondent will embark upon what is referred to as a “media campaign” against the applicants unless money is paid to the first respondent that the applicants appear to accept the
20 first respondent genuinely believes she is owed. That is plainly not extortion.

Except in the case of a clearly unlawful threat, it will not normally be inferred that a person wishes to extort money from another person who genuinely owes them an obligation to pay it. The first respondent clearly believes

that the applicants are under payment obligations towards her. The threat she makes is not to embarrass them unless they pay her money to which she would not otherwise be entitled. The threat is to blow the whistle on what she genuinely believes to be their turpitude in failing to pay her what she is owed.

I express no view on whether the first respondent really is owed the payments she says are due to her. I say only that the genuine belief that they are owed excludes the possibility that her threats to embarrass the applicants could be extortionate. The cause of any such payments would, at least in the first respondent's mind, be the obligation allegedly owed to her, not any illegitimate coercion on her part. In general, a threat to embarrass someone into complying with their legal obligations cannot be extortionate.

Accordingly, the intent to unlawfully extract money by coercion is absent, and so must be any suggestion that the first respondent has committed or intends to commit an act of extortion.

It follows that, even on the applicants' version, no case of irreparable harm has been established, the matter is not urgent, and it must be struck from the roll.

A judgment and order to that effect was given orally in court ("*ex tempore*") immediately upon the completion of

argument in this case, on 24 October 2025. My clerk ordered a transcript of the judgment on the same day.

Despite regular attempts to follow up with the court transcribers, made both by my office and the first respondent and her legal representatives, the transcript of my judgment was not produced until 8 May 2026, some six and a half months later. When the transcript came, it was almost unusable. Large parts of the recording were said to have been inaudible, but that assertion was undercut by
10 obvious mistranscriptions. Words appeared which made no sense in the context of the rest of the transcription, and which any reasonable transcriber must have known could not have been correct, even on the portions of the transcript the transcriber accepted were audible.

In light of all this, I was left to wonder whether the recording really was inaudible, or whether the transcriber had not captured the gist of my decision for some other reason. I asked that a recording of the judgment be provided. That request, too, appears to have fallen on deaf
20 ears. Two weeks after it was made, nothing had been produced.

Accordingly, I reconstructed this judgment from the useable portions of the transcript, from memory, and from the notes I took at the hearing. While this is far from ideal, the circumstances I have set out left no other course of

action reasonably available to me.

This court's Judges must process an extremely high volume of work. In the average working week, the average Judge is called upon to make dozens of reasoned decisions, and to read and process thousands of pages of documents. The number of cases Judges are expected to process increases every year. The number of Judges available to process those matters remains the same.

Judgments *ex tempore* are indispensable tools in
10 moving through the work assigned to us. They allow us, in straightforward cases, to give the parties a decision immediately at the end of argument, knowing that our reasons for the decision will be promptly transcribed and made available to the parties as soon as possible.

In this case, though, those advantages have not been realised, for reasons which have not been explained. The delay in producing the transcribed judgment, the extremely poor quality of the transcription when it was produced, and the failure to provide me with the relevant recording are all
20 unacceptable. These failings have prejudiced the parties. They have hampered my ability to provide the parties with the service they are entitled to expect.

If repeated, such failings risk bringing the judiciary into disrepute. I trust that these observations will be brought to the attention of those whose responsibility it is to

process transcriptions of judgments *ex tempore*, and that the unacceptable failings that have characterised the service they have provided in this case will not be repeated.

The application is struck from the roll with costs.

A black rectangular redaction box covers the signature of the judge.

WILSON, J
JUDGE OF THE HIGH COURT
25 May 2026

