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**REPUBLIC OF SOUTH AFRICA  
IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

Case Number: 2026-089305

(1) REPORTABLE: NO

(2) OF INTEREST TO OTHER JUDGES: NO

(3) REVISED: NO

DATE 22/05/2026

SIGNATURE

In the matter between:

**PHENYO MEKGOE**

Applicant

and

**OFENTSE TLADI**

Respondent

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**JUDGMENT**

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**MBONGWE, J:**

**INTRODUCTION**

[1] This matter comes before me as an urgent application in which the Applicant seeks a final interdict against the Respondent, arising from the publication of statements on social media alleged to be defamatory.

[2] The Respondent opposes the application, contending that the Applicant himself violated her rights by posting a pornographic video without concealing her identity, and that the urgent application is an abuse of process.

## **URGENCY**

[3] The Applicant argues that the matter is urgent because the defamatory statements continue to circulate online, causing ongoing harm to his dignity, reputation, and safety. He points to threats received from social media users as evidence of irreparable harm.

[4] The Respondent disputes urgency, relying on Rule 6(12) and case law such as *Luna Meubel Vervaardigers v Makin*<sup>1</sup> arguing that the Applicant has not demonstrated why substantial redress cannot be obtained in due course.

[5] Having considered both submissions, I am satisfied that the matter is urgent. The continued publication of the statements, coupled with threats to the Applicant's safety, justify truncation of time periods under Rule 6(12).

## **THE REQUIREMENTS FOR A FINAL INTERDICT**

[6] The requirements for a final interdict are well established in *Setlogelo v Setlogelo*<sup>2</sup>:

- a) A clear right;
- b) An injury actually committed or reasonably apprehended;

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<sup>1</sup> 1977 (4) SA 135 (W).

<sup>2</sup> *Setlogelo v Setlogelo* 1914 AD 221.

c) No adequate alternative remedy.

### **CLEAR RIGHT**

[7] Section 10 of the Constitution guarantees the right to dignity. The Applicant's right to reputation and dignity is implicated by the Respondent's statements.

[8] The Respondent does not deny publishing the statements but insists they are truthful. However, she has not produced evidence substantiating her allegations.

### **INJURY**

[9] The Applicant has demonstrated injury through the defamatory nature of the statements and the threats received from third parties. The Respondent's conduct has resulted in reputational harm and risk to the Applicant's safety.

### **NO ADEQUATE ALTERNATIVE REMEDY**

[10] While damages may be sought in a separate action, such remedy would not prevent ongoing harm. Only an interdict can provide immediate relief.

### **RESPONDENT'S DEFENCE**

[11] The Respondent argues that the Applicant violated her rights by posting a pornographic video without concealing her identity, thereby contravening the Cybercrimes Act and Film and Publications Amendment Act.

[12] While this allegation is serious, it is not the subject of the present application. The Respondent is entitled to pursue her remedies in law, but it does not justify the continued publication of defamatory statements that incite violence against the Applicant.

### **BALANCING OF RIGHTS**

[13] The Court must balance the Applicant's right to dignity and reputation against the Respondent's right to freedom of expression under Section 16 of the Constitution.

[14] Freedom of expression does not extend to incitement of violence or defamatory publication. The Respondent's conduct falls outside the permissible scope of Section 16.

### **CONCLUSION**

[15] The Applicant has established all the requirements for a final interdict. The Respondent's grievances regarding the pornographic video are not disregarded, but they must be pursued through appropriate legal channels.

**ORDER**

[16] In the circumstances, the following order is made:

1. The Respondent is interdicted from publishing or republishing the defamatory statements concerning the Applicant on any social media platform.
2. The Respondent is directed to remove the defamatory statements from her X/Twitter account (@o[...]) and any other social media accounts under her control, within two (2) court days of this order.
3. The Respondent is ordered to publish a full and unconditional apology within two (2) court days of this order, on the same platforms where the defamatory statements were made.
4. There is no order as to costs.

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**MPN MBONGWE**  
**JUDGE OF THE HIGH COURT**  
**GAUTENG DIVISION, PRETORIA**

**APPEARANCES**

For Applicant: **ADV HM MAHLANGU**  
Instructed by: Magolego Attorneys

For the First Respondent: **ADV BMW M MAILA**  
Instructed by: MBC Attorneys Inc.

**Date of Hearing: 28 April 2026**

**Date of Judgement: 22 May 2026**

**THIS JUDGEMENT WAS ELECTRONICALLY TRANSMITTED TO THE PARTIES' LEGAL REPRESENTATIVES AND UPLOADED ONTO CASELINE ON 22 MAY 2026.**