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**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

CASE NO: 2026-105823

DATE: 03.06.2026

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DELETE WHICHEVER IS NOT APPLICABLE (1) REPORTABLE: YES / NO (2) OF INTEREST TO OTHER JUDGES: YES / NO (3) REVISED SIGNATURE: DATE: 09.06.2026
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In the matter between:

LARMUTH, MAUREEN ROBIN

First Applicant

LARMUTH, ROBIN

Second Applicant

LARMUTH, NICHOLAS

Third Applicant

and

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SAMODIEN, RIAZ

First Respondent

THE CITY OF JOHANNESBURG

Second Respondent

J U D G M E N T

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MOULTRIE, J: This is an application for an urgent temporary eviction in terms of section 5(1) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 19 of 1998 (the PIE Act). The circumstances under

which the eviction are sought are tragic but are in my view deserving, and in fact requiring, of the order that I will be giving.

The first respondent, Mr Samodien alleges that he is currently in a relationship with and engaged to be married to the third applicant, who is the adult son of the first and second applicants. The applicants' allegations with regard to the requirements of section 5(1) of the PIE Act, and particularly regard to the question of an imminent danger of
10 substantial injury to any person, are based on a series of alleged altercations and events that have, in the words of the representative of the applicant who appeared before me, have resulted in a deterioration of the conditions of the parties' home life. Certainly, it seems to me that there has been an increase in tension and that an increasingly untenable situation has developed in the house.

It appears that the first respondent initially came to live at the home of the first and second applicant at the instance and special request of the third applicant.
20 However, on the admission of the first respondent himself, the relationship has been stormy. He ascribes the difficulties in the relationship to what he considers to be the interference of the first applicant, the mother of his fiancée.

The disputes that have been raised by the first applicant as to the veracity of the allegations in the

founding papers regarding the alleged instances of violence and altercations are bald and unsubstantiated in comparison to the detailed information set out in the founding affidavits. Although there is authority suggesting that the *Plascon-Evans* rule does not apply in view of the nature of the relief sought (cf. **SWDC Holdings (Pty) Limited v Sibu 2018 JDR 1207 (GJ)** paras 14 and 22; but *contra*: **Shanike Inv No 85 (Pty) Ltd v Ndimma 2015 (2) SA 610 (GJ)** para 93) even assuming that it does, the vague
10 and bald denials that are set out in the answering papers militate against a finding that the deponent to the founding affidavit, being the first applicant, is lying with regard to the detailed contents of that affidavit, the veracity of which could readily be determined by reference to the video to which the first applicant refers.

It appears to me in view of the submissions advanced by the first respondent that he has, at least until recently, been labouring under a delusional understanding of the nature of his relationship with the third applicant and the
20 circumstances under which his presence in the house has been tolerated. It is clear to me that the relationship has broken down to such a significant level that everybody involved in this matter (including the first respondent himself) is facing the risk and imminent danger of substantial harm by the mere fact of the first respondent's

continued residence in the home. My understanding of the first respondent's submissions to the court is that that he himself acknowledges this.

In my view, it is not necessary for the purposes of the first requirement in section 5(1)(a) of the PIE Act for an applicant to establish to the satisfaction of the Court that any person will suffer substantial physical harm and I am satisfied that emotional harm (including harm of a lesser degree than of a "recognised psychiatric injury" as
10 contemplated in our law of delict (*cf. Bester v Commercial Union Versekeringsmaatskappy van SA Bpk 1973 (1) SA 769 (A)*)), would be sufficient to establish that requirement. I consider that the first requirement has in fact been met, not only in relation to the applicants but also in respect of the first respondent.

Turning to the second requirement of the PIE Act, I do not believe that either party will significantly benefit (other than from the avoidance of the harm that I have referred to) should the temporary eviction order be granted. To the
20 contrary, I consider that it is likely that parties on both sides of this case will suffer at least some hardship, either if the first respondent is ordered to leave, or not. However, on the strict wording of the relevant legislation, I am of the view that the likely hardship to the applicants (who are all "affected persons" at the very least) if an order for eviction

is not granted, would indeed exceed the likely hardship to the first respondent if such an order (temporary as it is), is granted.

I am cognisant of the fact that Mr Samodien alleges that he does not have an alternative place to stay. However, I found his responses to my questions in this regard to be unsatisfactory and lacking in detail. Ultimately, I am of the view, even accepting that he does not have any specific place to reside immediately upon the interim eviction being
10 executed, that that would not necessarily be decisive of the question before me. I am simply unable to draw any significant conclusions in that regard, other than to say that, on balance, I consider that the likely hardship to the applicants of not granting the order will be greater than the likely hardship to the first respondent of granting it.

I am also persuaded that there is indeed no other effective remedy available in these circumstances. Ms Kropman submitted that the remedies available in terms of the Domestic Violence Act or the Harassment Act would not
20 avail the applicants as they would be ineffective and unwieldy. However, my concern is the opposite: if protection orders were to be granted against the first respondent in favour of any of the applicants in this matter, it seems to me that they would be too easy to enforce the consequences of non-compliance with any such protection order, with the

result that the first respondent would be jailed immediately upon the submission of an affidavit to the police. The circumstances under which he would then be released are difficult to speculate on, and I consider that the consequences for everybody involved, would be undesirable, not only for the applicants but for the first respondent too. As such I do not consider that a protection order under these acts could constitute an effective alternative remedy in the circumstances.

10 In conclusion. I am satisfied that a case has been made out for the interim eviction sought.

 I canvassed the timing of the eviction with the parties. Although the applicants' representative proposed a relatively long period, it does not appear to me that a long period would be appropriate in view of the findings that I have made regarding the domestic circumstances of the parties. If indeed the respondent is correct that any aspect of his relationship with the third applicant is capable of being salvaged, of which he apparently holds out some
20 hope, it would appear to me that that interest is best served by a clean and speedy break. In the circumstances, I am of the view that the first respondent should be given sufficient time to pack his belongings and to leave the home. I intend to allow a number of days, including two days of a weekend, over which that can be done.

In the circumstances, I grant an order in terms of the draft that has been handed up and which I have amended in manuscript.

ORDER:

1. Part A of the application is heard as a matter of urgency in terms of section 5 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 ("PIE") and Uniform Rule 6(12), and the time periods are accordingly dispensed with.
2. Pending the outcome of Part B (an eviction application brought in terms of section 4 of PIE), the First Respondent is ordered to vacate the property with his belongings, situated at [...] J[...] P[], Northcliff Ext 22, 2[...], Johannesburg, Gauteng, South Africa, by no later than 16h00 on Monday, 8 June 2026 in terms of section 5(1) of PIE.
3. Should the First Respondent fail to vacate the property as ordered in paragraph 2 (above), the Sheriff and/or his or her lawfully appointed deputy, is authorised and directed to execute the eviction order contained in paragraph 2 by removing the First Respondent and his belongings from the property.

4. The Registrar is authorised to allocate a hearing date for Part B.
5. The Applicants are granted leave to supplement their founding papers for Part B of this application.
6. Costs are costs in the cause.

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MOULTRIE J
JUDGE OF THE HIGH COURT

Date heard and decided: Wednesday, 3 June 2026

For the Applicants: Ms K Kropman

For the 1ST Respondent: In person

For the 2nd Respondent: No appearance

