



**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CIRCUIT LOCAL DIVISION, THEMBALETHU)**

Case number: 380/2026

In the matter between:

SILVER RIVER ESTATE (PTY) LTD

Applicant

and

TIMOTHY DUKE JACKSON

First respondent

WILLEM DAMONS

Second respondent

MONICA DIEDERICKS

Third respondent

Coram: Van Zyl, J
Heard on: 31 July 2026
Judgment: : 19 August 2026

Summary: Application for final interdict – general principles – respondents operating unauthorised wood harvesting on applicant's immovable property – interdict granted

ORDER

1. The applicant's non-compliance with the forms and service prescribed by the Uniform Rules of Court is condoned, and the application is heard as one of urgency under Rule 6(12).

2. The first and third respondents are interdicted and restrained from crossing the internal gate (the Forest Gate) on the applicant's immovable property known as Woodifield Farm, Seven Passes Road, Saasveld, George ("the property"), and accessing the applicant's commercial forestry and timber-harvesting zones.
3. The first and third respondents are interdicted and restrained from conducting any unauthorized wood harvesting, tree felling, chopping, cutting, removing, or any other timber extraction operations on the property, and from selling or distributing wood collected from the property.
4. In the event of the respondents failing to comply with the provisions of paragraphs 2 and 3 above, the Sheriff of this court, or his deputy, with the assistance of the South African Police Service, are authorized and directed to remove the respondents from the forest area behind the Forest Gate.
5. The first and third respondents, jointly and severally, the one paying, the other to be absolved, shall pay the applicant's costs, including counsel's fees taxed on Scale A.

JUDGMENT

VAN ZYL, J:

Introduction

1. The applicant does not want the respondents¹ to go into the woods. It seeks

¹ The second respondent has passed away since the institution of the application. The matter proceeds against the first and third respondents.

a final interdict preventing them from harvesting wood² on the applicant's farm, in particular in its commercial forestry areas, whether by themselves or through other persons or entities.

2. The application was brought as one of urgency. Given the nature of the relief sought and the risks involved in allowing the present state of affairs to continue, I was of the view that the matter warranted a hearing on an urgent basis. The merits of the matter were in any event fully argued.
3. It is trite that the requirements for the grant of final interdictory relief are a clear right, an injury actually committed or reasonably apprehended, and the absence of similar protection by any other ordinary remedy.³

The relevant facts

4. The applicant owns immovable property known as Woodfield Farm, situated on the Seven Passes Road, Saasveld, George. The applicant's primary source of income and commercial livelihood is derived from the lawful harvesting, processing, and selling of wood from the property.
5. During May 2026 it came to the applicant's chief operating officer's attention that the respondents had set up a "rogue" operation on the property, within its commercial timber-harvesting zone. The respondents were seen using tools, including chainsaws, in the applicant's commercial forestry areas, past the internal gate on the farm (the gate is known to the parties as the "Forest Gate"), to chop down the applicant's trees and process the timber. The activities are ongoing.⁴ The applicant says that the respondents' operations on the property are exposing the applicant to financial harm as well as to statutory and criminal liability, because the respondents are operating without the required authorisations under, to name but two, the Occupational Health and Safety Act 85 of 1993, and the Compensation for Occupational Injuries

² Referred to as "braai" wood in the affidavits.

³ *Setlogelo v Setlogelo* 1914 AD 221 at 227.

⁴ Photographs of the respondents in action are on record.

and Diseases Act 130 of 1993.

6. Various demands addressed to the respondents over the ensuing period, requesting them to cease their activities, went unheeded. This was because, according to the respondents, they had at all times been duly authorised to continue with their operations on the farm.
7. The applicant's chief operating officer ("COO") and the first respondent are related, but it is clear from the papers that there is no love lost between them. The reasons for the long-running family rift are not relevant for present purposes. There are wide-ranging allegations to and fro on the papers, but the dispute really turns on whether the respondents have any authority to harvest wood on the applicant's property.
8. This issue had previously been the subject of an application instituted by the applicant against the respondents in the magistrate's court. Pursuant to that application, the answer to whether the respondents have the authority to harvest wood on the property is to be found in a fairly recent judgment of the Western Cape Division of this court given on appeal⁵ against the magistrate's judgment. The court confirmed, on appeal, that the applicant was the owner of the property. The shareholders in the applicant are five trusts representing the interests of the five children (including the applicant's COO and the first respondent), and their families, of the previous owner of the property.⁶
9. The court found, further, that a case had been made out against the respondents in relation to their illegal harvesting of wood on the applicant's property.⁷ The applicant had a definitive right – a clear right - worthy of protection, and the magistrate had correctly found that the respondents (who included the first respondent in the present matter) lacked the requisite authority to harvest trees and wood.⁸ The illegal activities interfered with the

⁵ *Silver River Estate (Pty) Ltd v Timothy Duke Jackson and 3 others* (case number A106/2023), delivered on 27 March 2025, *coram* Le Grange, J et Nziweni, J.

⁶ At para 3 of the judgment.

⁷ At para 14.

⁸ At para 17.

applicant's rights as owner.

10. The court found, however, that the applicant had framed its case, as well as the resolution relied upon for the institution of the application, so as to limit the relief sought to a specific portion of the applicant's property known as the Cowboy Block. The interdict granted in that matter was therefore confined to the respondents' activities on the Cowboy Block.
11. The present matter relates to the rest of the applicant's plantations, that is, excluding the Cowboy Block. The respondents argue that the first respondent is a director and shareholder of the applicant, and that that is the source of the respondents' authority in relation to the property. They are incorrect in this respect. As confirmed in the Western Cape Division's judgment on appeal (and explained in the applicant's papers in the present matter), the first respondent is one of the beneficiaries of the trusts that are the shareholders. The applicant's directorships are indicated in the official records of the Companies and Intellectual Property Commission, and it is clear that the first respondent misrepresents his relationship *vis-à-vis* the applicant and its enterprise.
12. There are disputes between the parties about the manner in which the first respondent was removed as director, but they are not relevant to these proceedings, and the first respondent has in any event not exercised any of his rights under the Companies Act 71 of 2008. The first respondent's status within the family estate planning setup accordingly grants him no right to conduct a business from the applicant's property. I am of the view that the respondents' contentions, which strenuously argues a contrary position, does not raise a genuine dispute of fact in relation to this crucial question.⁹
13. On the papers the respondents do not show that they have any right to harvest wood on the property, such as a contract with the applicant, or a resolution taken by the applicant's directors granting them such right. The

⁹ With reference to *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd* 1984 (3) SA 623 (A) at 634G-635C.

personal squabbles amongst the representatives of the respective shareholders do not override the applicant's rights to protection against the respondents' unlawful actions. The applicant has a clear right to protect its primary income streams, preserve its trading stock, maintain the undisturbed use and enjoyment of its property, and prevent unauthorised persons such as the respondents from crossing boundary markers such as the Forest Gate to operate an illegal business on the property.

14. As indicated, the interdict granted previously was found to be limited to only a part of the applicant's property. This appears to have caused the respondents to move their operations to other parts of the property. The operations are quite openly ongoing, and the applicant accordingly has a well-grounded apprehension of irreparable harm. This necessitated the launch of the present application to broaden the scope of the interdict to the whole of the applicants property. The respondents have refused to cease their ongoing violation of the applicant's property rights, despite the applicant's demands that they do so. In these circumstances, the applicant had not alternative but to seek interdictory relief against them.

Conclusion and costs

15. In oral argument the respondents emphasised that the matter entails a family dispute, and that the court should therefore be loath to intervene. This amounts to a plea *ad misericordiam* rather than a genuine dispute of the applicant's claims. I conclude that the relief sought should be granted against the first and third respondents.
16. The respondents' will retain access to the farm from its outer boundary up to the Forest Gate, and they may remain on the non-forested side of that gate.
17. The applicant sought attorney and client costs against the respondents, but I do not regard such an order to be warranted in these parties' circumstances. Costs will follow the event in accordance with the general rule. Counsel's fees will be taxed on Scale A, as contemplated in Rule 67A, read with Rulle

Order

18. In the premises it is ordered as follows:

1. The applicant's non-compliance with the forms and service prescribed by the Uniform Rules of Court is condoned, and the application is heard as one of urgency under Rule 6(12).
2. The first and third respondents are interdicted and restrained from crossing the internal gate (the Forest Gate) on the applicant's immovable property known as Woodifield Farm, Seven Passes Road, Saasveld, George ("the property"), and entering the applicant's commercial forestry and timber-harvesting zones.
3. The first and third respondents are interdicted and restrained from conducting any unauthorized wood harvesting, tree felling, chopping, cutting, removing, or any other timber extraction operations on the property, and from selling or distributing wood collected from the property.
4. In the event of the respondents failing to comply with the provisions of paragraphs 2 and 3 above, the Sheriff of this court, or his deputy, with the assistance of the South African Police Service, are authorized and directed to remove the respondents from the forest area behind the Forest Gate.
5. The first and third respondents, jointly and severally, the one paying, the other to be absolved, shall pay the applicant's costs, including counsel's fees taxed on Scale A.

¹⁰

Counsel, in this instance, includes attorneys with the right of appearance in the High Court.

P. S. VAN ZYL
Judge of the High Court

Appearances:

For the applicant:

Instructed by:

Mr E. Brand

Brand & Van der Bergh
Attorneys

For the first and third respondents:

In person