

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case number: 2019-13721

(1) Reportable: ~~yes~~ / no
(2) Of interest to other judges: ~~yes~~ / no
(3) revised: ~~yes~~ / no

5 November 2026
Date

_____
Signature

In the matter between

BUZME KHALID SHAH CHISTY SABRI INTERNATIONAL NPC Applicant

and

BAZME KHALID SHAH CHISTY SABREE INTERNATIONAL NPO First Respondent
AHMED CASSIM Second Respondent
MOHAMED SALIM ISMAIL RANDEREE Third Respondent
YAKOOB KHAN Fourth Respondent

Order

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1. The application against the First and Second Respondents succeeds and it is declared that the First and Second Respondents are in contempt of this Court's order dated 18 April 2019.

2. The application against the Third and Fourth Respondents is dismissed.

3. The First and Second Respondents are ordered to pay, jointly and severally, the Applicant's costs in respect of the application, or portions thereof, against the First and Second Respondents on the party and party scale, including the costs of one counsel on scale B.

4. The Applicant is ordered to pay the Third and Fourth Respondents' costs in respect of the application, or portions thereof, against the Third and Fourth Respondents on the party and party scale, including the costs of one counsel on scale B.

Judgment

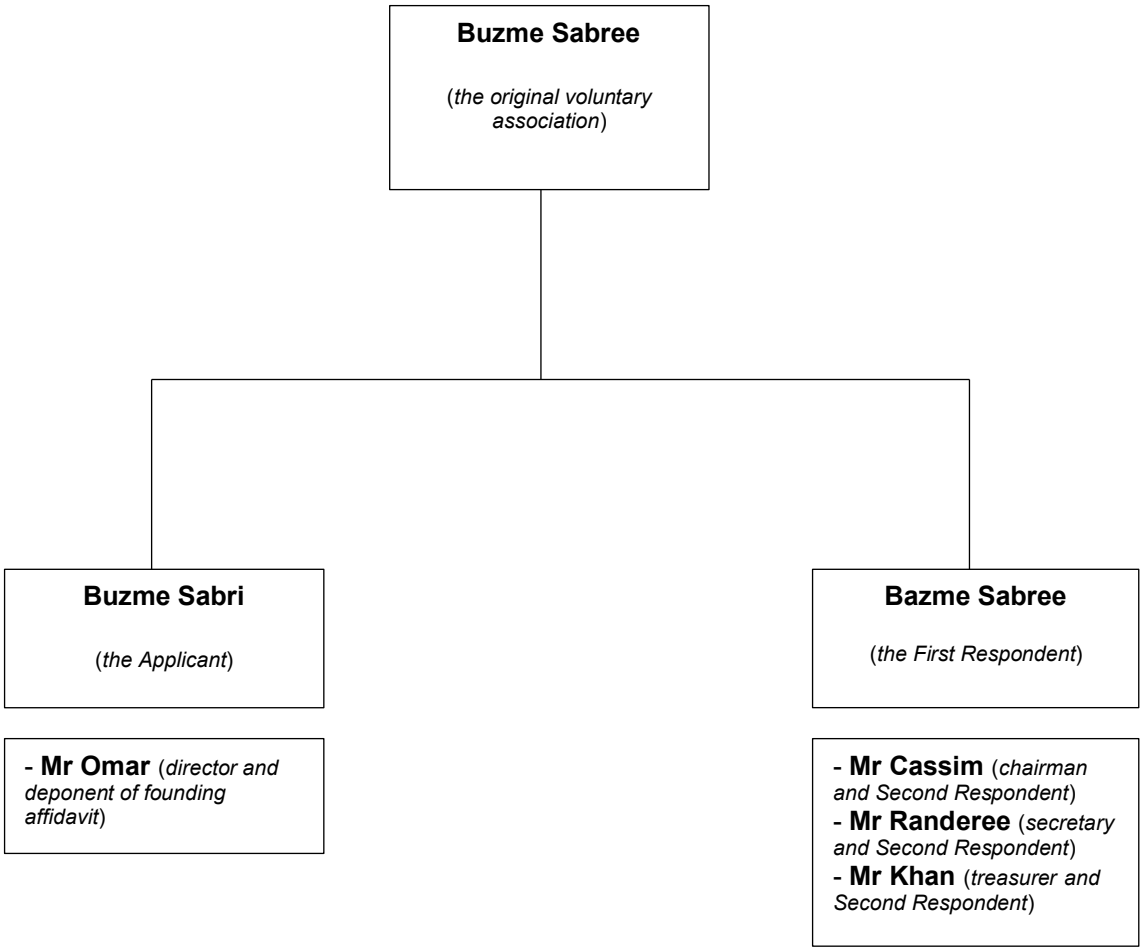
J Mitchell AJ

[1] Sorry, reader, this may be a confusing read. It's a dispute between two religious organisations with just about the same name: Buzme Khalid Shah Chisty Sabri International and Bazme Khalid Shah Chisty Sabree International. The only way to tell them apart is Buzme versus Bazme and Sabri versus Sabree (and to make things more difficult, there's a third entity to keep an eye on, Buzme Sabree, but more on it later).

[2] Buzme Sabri and Bazme Sabree are locked in lawfare. Each claims to be the rightful host of an annual religious ceremony honouring an Islamic saint. This Court twice entered the fray with orders in favour of Buzme Sabri in 2019 and 2022. Buzme Sabri alleges Bazme Sabree breached the orders. It asks me to hold Bazme Sabree and three of its senior members—Mr Cassim (chairman), Mr Randeree (secretary), and Mr Khan (treasurer)—in contempt.

[3] Buzme Sabri wins against Bazme Sabree and Mr Cassim. They are both in contempt of the 2019 order. Declarations of contempt are warranted, but coercive or punitive sanctions are not. Buzme Sabri loses against Mr Randeree and Mr Khan.

[4] To see why I reach those conclusions, keep this diagram close by:



[5] Rewind a few decades. A voluntary association called Buzme Sabree was formed to honour the life of Hazrat Sayed Muhammad Khalid Shah Chishti Sabiree Jahangiri Kambal Posh. Many in the local Muslim community revere Hazrat Khalid Shah Bawa as a saint.

[6] Hazrat Khalid Shah Bawa is buried in the Wattville Cemetery in Benoni. Buzme Sabree bought the burial site from the local municipality and built a large shrine—or a mazaar as it's known to adherents of Islam (it seems that the local municipality owns the Cemetery but some portions of the Cemetery are privately owned). Buzme Sabree also bought property near the Cemetery and built a mosque. The life and legacy of Hazrat Khalid Shah Bawa is celebrated each year at the mazaar—at an event known as an urs.

[7] According to Buzme Sabri, Buzme Sabree was "defunct" by 2012, and a restructuring saw the formation and incorporation of Buzme Sabri as a non-profit company. Bazme Sabree disputes this. It alleges that it and Buzme Sabree are one and the same: "the original [v]oluntary [a]ssociation", as Mr Cassim puts it. Bazme Sabree describes Buzme Sabri as a dissenting "splinter group".

[8] Amongst many other disputes, Buzme Sabri and Bazme Sabree disagree about who owns the mazaar and the mosque (or at least who is entitled to ownership). Buzme Sabri says its name is on the title deeds. Bazme Sabree seems to accept that's what the title deeds say but it accuses Buzme Sabri of "hijacking ownership" through "fraudulently misrepresent[ations]" to the Deeds Office (Bazme Sabree argues that it owns the mazaar and the mosque because it draws a straight line between it and Buzme Sabree). Ownership aside, Buzme Sabri has controlled the mazaar and the mosque for several years.

[9] Buzme Sabri says that in 2018, Bazme Sabree "unlawfully took possession" of the mazaar by changing the locks. Buzme Sabri sued in urgent court. Buzme Sabri says it withdrew its urgent application because the parties agreed to arbitrate; Bazme Sabree says Buzme Sabri withdrew because it couldn't prove ownership of the mazaar. Be that as it may, there was an arbitration. And in April 2018 an award was made by consent, signed by Mr Omar for Buzme Sabri and Mr Cassim for Bazme Sabree. The award says it's "final and binding" on Buzme Sabri and Bazme Sabree.

[10] Amongst other things, the award records that "[t]he name of the controlling/administrative association" of the mazaar and of the mosque is Buzme Sabri "to the exclusion of any other body or association". The award directed Buzme Sabri to hold an AGM by October 2018 and appointed an interim board that included Mr Omar and Mr Cassim. The award directs that the urs "will be conducted in the name of [Buzme Sabri] and the parties will co-operate with each other in the interests of ensuring the smooth running of the Urs and other activities at the Mazaar from time to time."

[11] Despite Mr Cassim signing it for Bazme Sabree, Bazme Sabree distances itself from the award. Mr Cassim argues that the terms of the settlement (which he describes as "favourable to [Bazme Sabree]") were "not converted to writing", and that the award he signed was a "misrepresentation" that he only saw after he signed. Mr Cassim also describes the arbitration as a "sham".

[12] According to Buzme Sabri, an AGM was held in October 2018, and it expected Mr Cassim to stand for election as a director. Mr Cassim was not at the AGM and was not elected.

[13] Several years of litigation between Buzme Sabri and Bazme Sabree followed, mostly to do with the urs. In 2019, Bazme Sabree advertised that it would host the urs at the mazaar—in Buzme Sabri's view, contrary to the arbitration award (which leaves the urs to Buzme Sabri). So Buzme Sabri went back to urgent court, this time for an interdict. This Court granted an order against Bazme Sabree and Mr Cassim that, amongst other things:

- interdicts Mr Cassim and Bazme Sabree (and "any members" of Bazme Sabree) "from directly and/or indirectly from interfering and/or disrupting the operations and activities" of Buzme Sabri; and

- interdicts Mr Cassim and Bazme Sabree (and "any members" of Bazme Sabree) "from being within 150m of the gate" of the mazaar or the mosque.

[14] Buzme Sabri says the same thing happened in 2022: Buzme Sabri advertised the urs at the mazaar and, a few days later, Bazme Sabree advertised that it would host the urs at the mazaar. Buzme Sabri went back to court. This Court granted an order against Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan that, amongst other things:

- ordered Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan to withdraw their advert for the urs and inform the public that Buzme Sabri, not Bazme Sabree, would host the urs;

- declares that Mr Cassim, Mr Randeree, and Mr Khan "remain interdicted and restrained from directly and/or indirectly interfering and/or disturbing any of [Buzme Sabri's] businesses and/or activities and/or operations";

- allows Mr Cassim, Mr Randeree, and Mr Khan to visit the mazaar and the mosque "on any day save for when [Buzme Sabri] is hosting any event … with the written permission of [Buzme Sabri], whose permission will not be unreasonably withheld"; and

- declares that the 2019 order "will remain in force".

[15] Later in 2022, Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan applied to rescind (or "review") the 2019 order and the 2022 order. They allege that both orders were fraudulently obtained because Buzme Sabri misled this Court about ownership of the mazaar and the mosque. The rescission application remains pending.

[16] Buzme Sabri says the same pattern played out in 2024 and again in 2025: soon after Buzme Sabri advertised it would host the urs at the mazaar, Bazme Sabree advertised that it would host the urs at the mazaar (for both 2024 and 2025, there seems to be some dispute about whether Buzme Sabri or Bazme Sabree advertised first, but in my view not much turns on it).

[17] For the 2024 urs, Bazme Sabree put up a marquee in the Wattville Cemetery close to the mazaar. It says it got permission from the local municipality (which owns the Cemetery, or at least owns the Cemetery except for privately owned portions like the mazaar). Mr Omar alleges that the marquee was "in an area allocated to [Buzme Sabri]", which I take to mean within 150 metres of the

gate of the mazaar (and Mr Omar attaches a photo around the time of the 2024 urs that he describes as showing the marquee "erected next to the gate of the Mazaar").

[18] Buzme Sabri asked the police and the local municipality to intervene, but, according to Mr Omar, they "refuse[d] to enforce the court orders". Mr Omar says the police and the local municipality left Buzme Sabri with a Hobson's choice of letting Bazme Sabree and its marquee stay or there would be no urs at all. In the end, Bazme Sabree moved its marquee a bit farther away—it says voluntarily, Buzme Sabri says on orders of the police and the local municipality. Mr Omar says the marquee was still within 150 metres of the mazaar even after it was moved, which Mr Cassim denies.

[19] The urs went ahead, both at the mazaar and in the nearby marquee. According to Mr Cassim, "[b]oth functions took place peacefully".

[20] Buzme Sabri alleges that a few days later, Mr Cassim and other members of Bazme Sabree went into the mazaar without Buzme Sabri's consent for a "musical session". Mr Cassim says they were invited "as musical artists" by "the Khan and Rahman family".

[21] After Buzme Sabri advertised the 2025 urs, the police asked Buzme Sabri to a meeting. Bazme Sabree was also at the meeting—Buzme Sabri and Bazme Sabree both applied for permission for the urs, and the police wanted to "mediate an agreement". Nothing seems to have come of it and, after some back and forth, Bazme Sabree advertised that it would host the urs at the mazaar.

[22] Bazme Sabree again put up a marquee close to the mazaar ("less than 150 metres away", according to Mr Omar). Mr Omar says Bazme Sabree disrupted Buzme Sabri's urs and "violated the court orders", including by playing loud music and forming a procession that went into the mazaar.

[23] Buzme Sabri now asks for an order declaring Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan in contempt of the 2019 order and the 2022 order based on what they did at the urs in 2024 and in 2025.

[24] Buzme Sabri must prove the existence of the orders, that Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan knew about the orders, and that they did not comply with the orders, *Secretary, Judicial Commission of Inquiry Into Allegations of State Capture v Zuma* 2021 (5) SA 327 (CC) at para 37. If Buzme Sabri proves those three requirements, "wilfulness and mala fides are presumed" and they "bea[r] an evidentiary burden in relation to wilfulness and mala fides", *Zuma*, above, at para 37. Coercive remedies like imprisonment or a fine require proof of the requirements of contempt beyond reasonable doubt, but proof on a balance of probabilities is enough for non-coercive remedies like a declaration of contempt, *Fakie NO v CCII Systems (Pty) Ltd* 2006 (4) SA 326 (SCA) at para 42.

[25] There's no dispute about the existence of the 2019 order and the 2022 order. Bazme Sabree and Mr Cassim are parties to both orders. Mr Randeree and Mr Khan aren't parties to the 2019 order, but they're parties to the 2022 order. They all argue that the 2019 order and the 2022 order were obtained fraudulently, but that's at best a ground to rescind the orders; it's not a reason to ignore them, see *Van Dyk v Rhodes* 2025 (4) SA 313 (GJ) at para 1 (citing

Department of Transport and Others v Tasima (Pty) Ltd 2017 (2) SA 622 (CC) for the proposition that "a court order can no longer be ignored or rescinded merely upon proof that it would have been regarded as a common-law nullity" and that "[t]he ordinary principles of rescission or appeal will always apply to court orders wrongly granted, no matter what error led to their issuance"). Their pending application to rescind the 2019 and 2022 orders doesn't matter because merely applying to rescind an order doesn't affect its binding force.

[26] There's also no dispute that Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan knew about the orders before 2024. Mr Cassim admits as much as far as Bazme Sabree goes. I also infer knowledge on the part of Bazme Sabree and Mr Cassim, and on the part of Mr Randeree and Mr Khan, from the litigation timeline: Buzme Sabri attached the 2019 order to its application for an interdict in 2022 (which was served on Mr Cassim, Mr Randeree, and Mr Khan personally), and Mr Cassim, Mr Randeree, and Mr Khan applied to rescind the 2022 order the same year.

[27] As for non-compliance, and taking each of Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan in turn, Buzme Sabri discharged its burden to prove non-compliance by Bazme Sabree. Bazme Sabree advertised its urs for the same date as Buzme Sabri's urs. The advert says the urs will be held at the Wattville Cemetery, with an illustration of the mazaar. The advert also adds that the urs "has been solely organised for the past 40 years" by Bazme Sabree. In my view, the advert amounted to, in the words of the 2019 order, "direc[t]" or "indirec[t] … interfer[ence] and/or disrupti[on]" of the "operations and activities" of Buzme Sabri, and so Buzme Sabri has discharged its onus

to prove that Bazme Sabree breached that part of the 2019 order in respect of the 2024 urs.

[28] There's then Bazme Sabree's marquee for the 2024 urs. Mr Omar alleges that the marquee "was not 150 metres away". Mr Cassim argues that Mr Omar doesn't "cite any evidence or proof" of the marquee's distance from the mazaar. But Mr Omar's allegation is evidence, and Mr Cassim's bare denial means there's no real or genuine dispute of fact about whether the marquee was within the 2019 order's 150-metre radius, *Wightman t/a JW Construction v Headfour (Pty) Ltd* 2008 (3) SA 371 (SCA) at paras 12 to 13. Buzme Sabri has accordingly also discharged its onus to prove that Bazme Sabree breached this part of the 2019 order in respect of the 2024 urs.

[29] I find the same for Bazme Sabree's conduct for the 2025 urs. Bazme Sabree's advert for the 2025 urs is materially the same as the previous year's advert (and, as I've already concluded, that amounted to "direc[t]" or "indirec[t] … interfer[ence] and/or disrupti[on]" of the "operations and activities" of Buzme Sabri). Mr Omar's evidence is that Bazme Sabree's marquee for the 2025 urs was "less than 150 metres" from the mazaar, which Mr Cassim just denies. I accordingly conclude that Buzme Sabri has discharged its onus to prove that Bazme Sabree breached the 2019 order in respect of the 2025 urs.

[30] Bazme Sabree's main defence about the marquee is that the local municipality permitted Bazme Sabree to put up the marquee in the Wattville Cemetery for the urs in 2024 and in 2025. Buzme Sabri doesn't dispute the existence of permission, but it argues that it's legally irrelevant because it "does not override, negate, or excuse [Bazme Sabree's] obligations to comply with the

binding court orders". Permission from the local municipality may be relevant on several levels: consent to do something that a court order otherwise prohibits could, in principle, mean there's no breach of the order, or consent could be an affirmative defence to contempt, or consent (or belief in consent) could be the basis for someone in Bazme Sabree's position to rebut wilfulness and mala fides.

[31] I deal with the third possibility later. I reject the first and second possibilities. Neither the 2019 order nor the 2022 order has a carve out for municipal (or police) consent (unlike the carve out for consent by Buzme Sabri to enter the mazaar in the 2022 order). And neither a municipality nor the police has an all-purpose power to turn court orders on and off. Bazme Sabree points out that the marquee was on the municipality's property. But two things can be true at once: Bazme Sabree could've had permission from the municipality to put up its marquee on municipal land but still interdicted from being within 150 metres of the mazaar.

[32] So much for Bazme Sabree, the marquee, and the 2019 order. Buzme Sabri hasn't proved that Bazme Sabree breached the 2022 order, either in respect of the 2024 urs or the 2025 urs. There's no evidence that Bazme Sabree didn't withdraw its advert for the 2022 urs, and there's no evidence that it didn't publish the "official communique" that the 2022 order required. The rest of the 2022 order applies only to Mr Cassim, Mr Randeree, and Mr Khan.

[33] For his part, Mr Cassim doesn't deny he went into the mazaar shortly after the urs in 2024. He argues that "the Khan and Rahman family" invited him, but he doesn't even allege, let alone adduce any evidence, that they had any

authority to extend the invitation. Nor does Mr Cassim deny that he was part of a procession that went into the mazaar during the urs in 2025. He argues that this was "agreed upon between the parties" at a meeting at the beginning of 2025, but Buzme Sabri sent a letter to Bazme Sabree shortly after that meeting (and before the urs) which clarified that "any concessions" that Buzme Sabri "tentatively suggested" at that meeting were "without prejudice".

[34] In those circumstances, Buzme Sabri has, in my view, discharged its onus to prove that Mr Cassim breached the 2019 order because he went into the mazaar without Buzme Sabri's consent in 2024 and in 2025. This also means that Buzme Sabri discharged its onus of proving that Bazme Sabree breached the 2019 order in the same respect because Mr Cassim was, at the time, one of its senior representatives, *Twentieth Century Fox Film Corp v Playboy Films (Pty) Ltd* 1978 (3) SA 202 (W) at 203C-D (holding that "[a] director of a company who, with knowledge of an order of Court against the company, causes the company to disobey the order is himself guilty of a contempt of Court" because "[b]y his act or omission such a director aids and abets the company to be in breach of the order of Court against the company").

[35] In my view, Buzme Sabri has not discharged its onus to prove that Mr Cassim breached the 2022 order, at least not in any different respects to the 2019 order. The problem for Buzme Sabri on this score is that the only material difference between the 2019 order and the 2022 order is that the 2022 order additionally says that Mr Cassim "may attend to visit the Mazaar and the Mosque on any day save for when [Buzme Sabri] is hosting any event and/or is carrying out any activities, with the written permission of [Buzme Sabri]". It's not clear to me what that part of the 2022 order is obliging Mr Cassim to do or

to refrain from doing. In my view, that part of the 2022 order is too vague to be enforced through a contempt application, at least on the evidence before me in this application.

[36] Buzme Sabri's evidence is similarly thin against Mr Randeree and Mr Khan. Neither is a party to the 2019 order. They are parties to the 2022 order, but nothing in the 2022 order expressly incorporates by reference the 2019 order. The 2022 order says that the 2019 order "will remain in force", but the use of "remain" suggests that the 2019 order applies only to its original parties. The 2022 order also says that Mr Randeree and Mr Khan "remain interdicted" from interfering with or disrupting Buzme Sabri's activities, which could've been phrased better: it's awkward for an order to say someone "remain[s] interdicted" if they were never previously interdicted. Nonetheless, that part of the order can reasonably be interpreted to interdict Mr Randeree and Mr Khan from "directly and/or indirectly interfering and/or disrupting any of [Buzme Sabri's] businesses and/or activities and/or operations"—that is, "remain interdicted" is a tolerably clear way to say "are interdicted". But even so, Buzme Sabri doesn't adduce enough evidence to show what Mr Randeree or Mr Khan did, if anything, that interfered with or disturbed Buzme Sabri's activities (apart from allegations levelled at "the Respondents", which, in my view, are inadequately particularised as against Mr Randeree and Mr Khan). That leaves the last relevant part of the 2022 order, which says Mr Randeree and Mr Khan, like Mr Cassim, "may attend to visit the Mazaar and the Mosque on any day save for when [Buzme Sabri] is hosting any event and/or is carrying out any activities, with the written permission of [Buzme Sabri]". I've already

explained why, in my view, that part of the 2022 order is too vague to sustain a finding of non-compliance, at least on the evidence in this application.

[37] To sum up, these are my findings on breaches of the 2019 order and the 2022 order:

- Bazme Sabree breached the 2019 order. It interfered with, and disrupted, Buzme Sabri's activities when it advertised that it would host the 2024 urs and the 2025 urs. It breached the 2019 order when it put up a marquee within 150 metres of the mazaar at the 2024 urs and the 2025 urs. And it breached the 2019 order when Mr Cassim, acting as its representative, went into the mazaar without Buzme Sabri's permission in 2024 and in 2025. Buzme Sabri hasn't, however, proved that Bazme Sabree breached the 2022 order.

- Mr Cassim breached the 2019 order. He went into the mazaar without Buzme Sabri's permission in 2024 and in 2025. Buzme Sabri hasn't, however, proved that Mr Cassim breached the 2022 order.

- Mr Randeree and Mr Khan aren't parties to the 2019 order. Buzme Sabri hasn't proved that they breached the 2022 order.

[38] It's next necessary to determine if Bazme Sabree and Mr Cassim discharged their evidentiary burden to rebut a presumption of wilfulness and mala fides.

[39] Bazme Sabree and Mr Cassim adduce little, if any, evidence to rebut the presumption when it comes to the adverts for the 2024 urs and the 2025 urs, and Mr Cassim entering the mazaar in 2024 and 2025.

[40] As for the marquee at the 2024 urs and the 2025 urs, they argue that the local municipality gave them permission. I've already rejected that argument as an affirmative defence to contempt. But even if Bazme Sabree and Mr Cassim were objectively mistaken about the legal effect of the local municipality's permission, a genuine belief that permission was effective would be enough to rebut wilfulness and mala fides, *JR v AL* 2021 JDR 2661 (GJ) at para 9 (holding that a "deliberate failure to comply with a court order is not enough if good faith is established", including if there is a "genuine (albeit mistaken) belief that the conduct constituting non-compliance does not breach the order"). This follows because the fault requirement for contempt is intention, not negligence. Intention in the form of dolus eventualis is enough, *HEG Consulting Enterprises (Pty) Ltd v Siegwart* 2000 (1) SA 507 (C) at 518H-I (noting that it is "settled law" that "intention in the form of dolus eventualis is sufficient for criminal contempt of court"). This means that the intention element of contempt is satisfied if an alleged contemnor "subjectively foresaw the possibility of the act being in contempt of court and he was reckless as to the result", *DW v JLK* 2026 JDR 2791 (WCC) at para 19. Recklessness includes "[w]here a person deliberately closes his or her eyes to what the law requires", *DW*, above, at para 19. And because of the presumption in contempt proceedings and the resulting evidentiary burden, Bazme Sabree and Mr Cassim must adduce evidence to negate subjective foresight of the possibility of contempt and recklessness to that result.

[41] Bazme Sabree and Mr Cassim don't meet their evidentiary burden. They rely on the local municipality's permission as a complete answer to contempt. Mr Cassim says nothing about whether he foresaw a possibility of contempt

and says nothing about whether he took any steps to ascertain the legal effect of the local municipality's permission. Quite the opposite: Mr Cassim's own evidence is that his attorney "advised us to comply with the court order". Mr Cassim simply didn't do enough to rebut dolus eventualis, and so the presumption of wilfulness and mala fides isn't disturbed. And burdens and presumptions aside, "common sense dictates" that the possibility that the local municipality has no power to override a court order "would have been obvious to any person of normal intelligence" and there's no reason to think that Mr Cassim "would not have shared this foresight, derived from common human experience, with other members of the general population", *S v Humphreys* 2015 (1) SA 491 (SCA) at para 13.

[42] Bazme Sabree's and Mr Cassim's only other defence is "laches", arguing that Buzme Sabri unreasonably delayed in bringing this application. In faraway jurisdictions, laches is a bar to equitable relief that operates if a delay means granting relief would cause injustice: see generally S Elliott KC *Snell's Equity* (35th ed., 2025) at 5-012 (recognising the maxim of equity that delay defeats equities but noting that "…the question is whether the lapse of time has given rise to circumstances that now mean it would not be inequitable to deny relief"). Laches is "peculiar to courts of equity" and, influential as English law may be in many areas of South African law, we never signed up to equity or its courts, *Zuurbekom Ltd v Union Corporation Ltd* 1947 (1) SA 514 (A) at 535. So the short answer to the laches argument is that laches isn't a thing down here. Unreasonable delay is, in principle, a basis to "dismiss an action for want of prosecution" if reviving long-dormant litigation would amount to an abuse of process, *Cassimjee v Minister of Finance* 2014 (3) SA 198 (SCA) at para 10.

But there's no unreasonable delay on this timeline: Buzme Sabri relies on conduct from 2024 and 2025 in an application it launched in 2025.

[43] To sum up, Bazme Sabree and Mr Cassim haven't met their evidentiary burden to rebut wilfulness and mala fides, and they haven't made out any affirmative defences to contempt. I accordingly find that Bazme Sabree and Mr Cassim are in contempt of the 2019 order.

[44] I have broad remedial discretion when it comes to what follows, *SH v GF* 2013 (6) SA 621 (SCA) at para 9 (holding that when a court imposes a sanction for contempt, it exercises "a discretion in the strict sense"). Relevant factors include "the seriousness of the contempt, the need to vindicate the authority of the courts, and the imperative that any sanction be proportionate", *Van Rooyen v Kilbride* 2026 JDR 2606 (WCC) at para 59.

[45] In the exercise of that discretion, my view is that a declaration of contempt is remedy enough. The instances of contempt were, as far as contempt goes, relatively minor and isolated. I also take into account the undertaking given at the hearing on behalf of Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan that they will comply with the 2019 order and the 2022 order pending their rescission application. Bazme Sabree and Mr Cassim were wrong to disobey the orders—and it was especially wrong for a community leader like Mr Cassim, who should lead by example. So the declaration of contempt comes with a heavy dose of this Court's disapproval of their conduct. Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan must take their community leadership roles seriously. They must obey court orders—even if they think the orders are wrong and even if they have taken steps to rescind.

[46] Nothing in this judgment affects Buzme Sabri's right to sue again in response to future instances of disobedience. Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan would be wise to read my decision not to impose a coercive sanction as the very last warning of a court left with very little patience.

[47] Buzme Sabri achieves substantial success against Bazme Sabree and Mr Cassim, so it's entitled to costs against them. Buzme Sabri wants punitive costs, arguing that "by its very nature, contempt of court warrants a punitive costs order." I don't read the cases to say punitive costs follows as a rule after a finding of contempt, see *Zuma*, above, at para 134 (noting that punitive costs orders are "exceptional"). Yes, contempt entails a finding of wilful non-compliance. And yes, courts should "jealously guard against defiance of its orders", *Medihelp Medical Scheme v De Wet* 2026 JDR 0643 (GP) at para 43. But I have reason to curb my jealousy here. Bazme Sabree and Mr Cassim litigated reasonably and they eventually gave an undertaking to comply with the orders. On balance, party and party costs is enough. Buzme Sabri achieves no success against Mr Randeree and Mr Khan, so there the general rule on costs goes the other way. Both costs orders should include costs of counsel on scale B because this case falls somewhere between "[r]un-of-the-mill" and "unusually complex, important or valuable", *Mashavha v Enaex Africa (Pty) Ltd* 2025 (1) SA 466 (GJ) at para 16. I leave it to the Taxing Master's discretion to work out the net effect, but it seems fair and proportional that the costs and attendances of both sets of bills be allocated in equal proportions between Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan (who had the same attorney and counsel), as the case may be.

[48] Buzme Sabri asks for costs de bonis propriis against Avon Singh, the attorney for Bazme Sabree, Mr Cassim, Mr Randeree, and Mr Khan. Buzme Sabri argues that Mr Singh was at the 2025 urs, and so he "attended an event held in direct violation" of the 2019 order and the 2022 order, which "brings the legal profession and the judiciary … into disrepute." Costs de bonis propriis are awarded against a "representative" for "improper conduct", *Pheko v Ekurhuleni City* 2015 (5) SA 600 (CC) at para 51. The point is to ensure that the representative, not the person he represents, pays the price for improper conduct. The point is not simply to punish the representative. For that reason alone, this isn't the right type of case for costs de bonis propriis because no cost-shifting purpose would be achieved. In any event, there's insufficient evidence of the type of exceptional, egregious conduct that warrants costs de bonis propriis (not least because Mr Singh is not party to either order).

[49] I make this order:

1. The application against the First and Second Respondents succeeds and it is declared that the First and Second Respondents are in contempt of this Court's order dated 18 April 2019.

2. The application against the Third and Fourth Respondents is dismissed.

3. The First and Second Respondents are ordered to pay, jointly and severally, the Applicant's costs in respect of the application, or portions thereof, against the First and Second Respondents on the party and party scale, including the costs of one counsel on scale B.

4. The Applicant is ordered to pay the Third and Fourth Respondents' costs in respect of the application, or portions thereof, against the Third and Fourth Respondents on the party and party scale, including the costs of one counsel on scale B.

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J Mitchell AJ

Acting Judge of the Gauteng Division, Johannesburg

Date of hearing:	21 October 2026
Date of judgment:	5 November 2026
For the Applicant:	Z E Mahomed instructed by Samnakay Attorneys Inc.
For the Respondents:	A Singh instructed by Avon Singh Attorneys Inc.