

SOUTH AFRICA / JUDGMENT

Gupta and Others v Malema and Others (9797/16) [2016] ZAGPPHC 65 (9 February 2016) [2016] ZAGPPHC 65

COURT

North Gauteng High Court, Pretoria

BEFORE

Louw JW

CASE / FILE NUMBER

9797/16

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CASE NO: 9797/2016

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

PRETORIA 09 February 2016

BEFORE THE HONOURABLE MR JUSTICE LOUW JW

In the matter between:

AJAY KUMAR GUPTA

1ST APPLICANT

ATUL KUMAR GUPTA

2ND APPLICANT

RAJESH KUMAR GUPTA

3RD APPLICANT

CONFIDENT CONCEPTS (PTY) LTD

4TH APPLICANT

OAKBAY INVESTMENTS (PTY) LTD

5TH APPLICANT

SAHARA COMPUTERS (PTY) LTD

6TH APPLICANT

TNA MEDIA (PTY) LTD

7TH APPLICANT

INFINITY MEDIA (PTY) LTD

8TH APPLICANT

VR LASER SERVICES (PTY) LTD

9TH APPLICANT

SHIVA URANIUM (PTY) LTD

10TH APPLICANT

WESTDAWN INVESTMENTS (PTY) LTD

11TH APPLICANT

TEGETA EXPLORATION AND RESOURCES (PTY) LTD

12TH APPLICANT

AND

JULIUS SELLO MALEMA

1ST RESPONDENT

ECONOMIC FREEDOM FIGHTERS

2ND RESPONDENT

NTOBENG NTOBENG

3RD RESPONDENT

LIEUTENANT GENERAL KHOMOTSO

4TH RESPONDENT

JOHANNES PHAHLANE NO ACTING POLICE

COMMISSIONER

HAVING read the documents filed of record, heard counsel and considered the matter:

IT IS ORDERED THAT:

1. The first to third respondents, jointly and severally, be interdicted from:

1.1 Repeating previous or further threats of violence against the person or property of the applicants or any of its employees and in particular from making public announcements inciting imminent violence against the applicants or any of its employees.

1.2 Interfering with activities of any journalist employed or deployed by the Seventh and Eight applicants and in particular be interdicted from any conduct or making or promoting any remarks preventing any journalist or investigator employed or deployed by the Seventh and Eight applicants from attending any events of relevance to the public in general including but not limited to any marches, gatherings or public meetings of a political nature by any political party including those of the second respondent.

1.3 Inciting imminent violence against the applicants or any of its employees in any way whatsoever by public announcements, media releases or public speech.

1.4 Causing damage, directly or indirectly or promoting damage to be caused to any of the applicants in person, its property or any of its employees.

1.5 Entering or threatening to incite its followers to enter any of the premises of the applicants for any other reason than as a bona fide and/or for normal commercial purpose and in particular the addresses of the applicants as they appear in Annexure "A" hereto being schedule of business addresses of the applicants.

1.6 Promoting or maintaining any conduct which could reasonably intimidate any of the applicants including any conduct or propaganda causing the employees of the applicants to fear for their lives, safety or unreasonably limiting their freedom of movement and trade.

1.7 Promoting infringement of the seventh and eight applicants' right to freedom of expression and in particular the right to freedom of press and media in order for the seventh and eight applicants to maintain their business of reporting to the general public with fair comment and accurate balanced journalism.

1.8 Participating in any conduct to promote the removal of any of the applicants from Gauteng or the Republic of South Africa, serve in accordance with lawful process.

2. An order be granted requesting the fourth respondent to take the necessary steps in order to protect the interest of the applicants in as far as they might unlawfully be infringed upon by criminal activity resulting from the conduct of the first to third respondents

and in particular any non-compliance of the provisions of the interdict referred to in prayer 2 above.

3. An order be granted that the applicants may approach this Court on an urgent basis with supplemented papers under the aforesaid case number for ancillary or further relief should the respondents fail and/or refuse to comply with any of the terms of the relief granted under this application.

4. Costs of this application , including the costs of two counsel.

BY THE COURT

REGISTRAR

CB

Attorney: VAN DER MERWE

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