



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 16 May 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

JR 209 Investments (Pty) Ltd and Others v Homeless People Housing Co-Operative Limited and Others
(746/2023) [2025] ZASCA 63 (16 May 2025)

Today the Supreme Court of Appeal (SCA) made an order amending the order of the Gauteng Division of the High Court, Pretoria (the high court), deleting paragraph 5 of the order of the high court and dismissing the appeal with costs.

On 27 May 2019, the respondents unsuccessfully launched an urgent application in the high court for a declarator that the contempt order did not provide for the eviction of the occupants of the HPH properties or the demolition of structures thereon, and for an order that the sheriff reconstruct the demolished structures. This application was dismissed.

The issues before the SCA related to whether the appellants had proved that the respondents had breached the court orders previously granted in the ongoing dispute between the parties and whether HPH should be placed in provisional, alternatively, final liquidation in terms of s 72(1)(a), (b), or (c) of the Co-operatives Act.

In addressing the first issue, the SCA pointed out that to succeed in a contempt of court order, there must be a deliberate and intentional violation of the court's dignity, repute, or authority. On this point, the Court concluded that, based on the evidence before it, the appellants had not proved their case.

On the second issue, the SCA concluded that the appeal on that issue should fail because the *lis* between the parties in that regard had been settled as the appellants had sought and obtained a provisional order for the liquidation of HPH in May 2020 – it was therefore not open to the appellants to seek to re-litigate the issue. Accordingly, the SCA then made the order as detailed in the introductory paragraph.

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