



**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:** 18 July 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*

*Francois Jurie Nicolaas Harman v Pieter Hendrik Strydom (285/2024) [2025] ZASCA 108 (18 July 2025)*

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Today the Supreme Court of Appeal (SCA) handed down judgment, wherein the appeal was dismissed with costs, including costs of two counsel, against an order granted in the North West Division of the High Court, Mahikeng (high court).

On 15 May 2020, the Land and Agricultural Development Bank of South Africa (Land Bank) obtained judgment against the appellant, Mr Francois Jurie Nicolaas (Cois) Harman (Mr Harman), an estate agent and a farm owner held under his company, Redlex 321 (Pty) Ltd (Redlex). Mr Harman had personally secured a loan for R4 336 730.63, which he stood as surety. Redlex was unable to pay its debt and was finally liquidated on 11 July 2019. The respondent, Mr Pieter Hendrik Strydom (Mr Strydom) an attorney and insolvency practitioner, practicing as such under the name and style of Strydom and Bredenkamp Attorneys was instructed by the Land Bank to institute legal proceedings to recover the debt. Thereafter, Mr Harman published postings on his Facebook account accusing Mr Strydom and Land Bank officials of unethical and impartial conduct. These posts resulted in vitriolic and life-threatening posts by his followers against Mr Strydom. On 29 June 2022, Mr Strydom obtained a protection order in the Magistrates' Court prohibiting the appellant from electronic harassment and posting defamatory material. On delivery of the protection order, Mr Harman denied the police officers and the messenger entry into his house. On the same day, the appellant proceeded to post photographs of the messenger and police officers, accompanied by further postings from different persons and directed at and concerning Mr Strydom, prompting Mr Strydom to file an urgent *ex parte* application in the high court. On 1 July 2022, the high court, per Petersen J, found that Mr Harman and his friends and followers of his Facebook account, posted and published offensive and life-threatening defamatory statements of and concerning Mr Strydom. The high court ordered for the removal of any and all media. The high court further granted interim relief with a return date of 4 August 2022. On 2 August 2022, two days before the return date, Mr Harman delivered his answering affidavit. Consequently, Peterson

J extended the return date to 13 March 2023. On the return date, the high court, per Deputy Judge President (DJP) Djaje, after hearing argument by the parties, confirmed the interim orders as final.

The issues on appeal were whether the high court had impermissibly granted final relief in an urgent *ex parte* application, thereby breaching the appellant's right to be heard (the *audi alteram partem* rule) under s 34 of the Constitution. Further, this Court had to determine whether the order had become moot and whether the interim provisions compelling disclosure of third party details were overbroad. Mr Harman was unsuccessful in his application for leave to appeal in the high court. Leave to appeal against the judgment and order of Djaje DJP was granted in this Court.

In dealing with the issues, this Court first noted that the petition for leave to appeal submitted to this Court was couched as an appeal against the whole of the order and judgment of Honourable Justice Djaje DJP. However, this Court clarified that the grounds of attack were directed at the judgment and order of Petersen J, for which no leave to appeal had been sought nor granted.

In dealing with the main issues on appeal, the SCA held that the appellant's right to be heard was not violated. It found that the *ex parte* order was interim relief returnable on 4 August 2022 (and subsequently extended) and that the appellant had notice to challenge these orders. The Court concluded that the appellant had adequate remedies such as leave to appeal under the Superior Courts Act 10 of 2013, that he could have brought a reconsideration under Rule 6(12)(c) for an expedited hearing to reconsider the order. This unique protection, provided for in Rule 6(12)(c), serves to cure any possible breach of s 34 constitutional right to be heard. The appellant could have also filed for rescission under Rule 42, which he did not exercise.

The SCA further held that compliance with the final removal order rendered any attack on it moot. Concerning the interim disclosure orders, the Court found that they were neither overbroad nor unlawful, as no provision of Protection of Personal Information Act 4 of 2013 (POPIA) or the Constitution protected the dissemination of life threatening and defamatory material of and concerning another, on a social media platform. The Court held that the right to freedom of expression, like all rights, has limits. The one obvious limit of a right is when its exercise encroaches or intrudes into the domain of another person's right. The postings on Facebook concerning Mr Strydom, his right to personal safety from harm and loss of life were threatened and his rights to dignity as a person and to his reputation as a professional, were assailed. The Court found that Mr Strydom was entitled to the list of persons responsible for such unlawful acts, in order to vindicate his rights, if he deems it fit to do so.

As a result, the SCA dismissed the appeal with costs, including costs of two counsel.

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