



## 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:** 22 September 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.***

*Pieter Maritz v Truworhts Limited* (1339/2025) [2026] [ZASCA 121] (22 September 2026)

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Today, the Supreme Court of Appeal (SCA) dismissed an application to lead further evidence and subsequently dismissed the appeal against the order of the Western Cape Division of the High Court (high court), with costs including the costs of two counsel where so employed.

The appeal is against the order of the high court enforcing a restraint of trade agreement (restraint), and granting a final interdict prohibiting the appellant, Mr Pieter Maritz, from assuming employment with Tymbank Limited (Tymbank), a competitor of Truworhts Limited (Truworhts) or any of its subsidiary or associated entities, or any other direct or indirect competitor of Truworhts, for a period of 12 months. The high court also interdicted the appellant from directly or indirectly divulging or disclosing to any other person any of Truworhts' trade secrets or confidential information. The appellant is before this Court with the leave of the high court.

Truworhts made an application to adduce further evidence on appeal, that it contends could not have been obtained prior to it lodging the restraint application before the high court. The evidence relates to a screenshot of a post published on LinkedIn (the post) by the appellant's attorneys of record, as well as, correspondence concerning the expedited hearing of the appeal. This Court found that Truworhts needed to satisfy the criteria set out in s 19(b) of the Superior Courts Act 10 of 2013 (the Act). It must show that the evidence could not, with reasonable diligence, have been obtained for use at the hearing before the high court, that it is material, and that it could change the result.

This Court held that the post was not authored by the appellant and neither did its veracity depend on him. The evidence sought to be introduced does not resolve the issue that is the subject of appeal. Instead, it frustrates the finality of the proceedings by adding further disputes such as: who drafted the post, what is meant by an 'internal misunderstanding', and why the post contained errors. Section 19(b) of the Act does not contemplate an elongation of the dispute that already serves on appeal. The evidence sought to be introduced is not credible, weighty, and material so as to probably change the result. This Court thus held that the post did not satisfy the criteria that its late admission will be 'practically conclusive and final in its effect on the issue to which it is directed'. It follows that the application must fail with costs.

The issue of mootness featured prominently in the s 19(b) application. Mootness is regulated by the provisions of s 16(2)(a)(i) of the Act. At the time of the hearing, the restraint had only two weeks left to run. The appellant took up employment with Tyme Pte Ltd on 2 September 2025 and will complete one year of employment on 2 September 2026. This matter was heard on 17 August 2026 and the appellant's restraint period would end on 31 August 2026, one year after the appellant's last day of employment with Truworhts. With the appellant having assumed employment with Tyme Pte Ltd, the purpose of the interdictory relief was rendered obsolete and ineffective.

This Court found that it is apparent that there is a factual dispute as to who the appellant's true employer is and whether that employer is a competitor of Truworhts, the resolution of that issue does not depend on the law but is fact-based. A disputed factual issue does not equate to a discrete legal issue of public importance. This Court relied on the

principle that courts are required to refrain from making rulings in such matters because any such ruling will amount to a mere advisory opinion, which is abstract or academic and of no practical effect. This Court further found that this matter does not implicate public interest at all as it is based purely on an employment contract relationship and a restraint between the appellant and Truworths.

This Court held that on the facts, there will be no practical purpose served by this Court deciding the merits of the appeal. This Court, accordingly refused to exercise its discretion to determine the merits. There are no exceptional circumstances warranting the exercise of this Court's jurisdiction in terms of s 16(2)(a)(ii) of the Act. It follows that the appeal must fail based on mootness.

In the result, the SCA dismissed the application to lead further evidence and the appeal with costs, such costs to include costs of two counsel where so employed.

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