



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED

United Democratic Movement and Another v Lebashe Investment Group (Pty) Ltd and Others (1032/2019) [2021] ZASCA 4 (13 January 2021)

From: The Registrar, Supreme Court of Appeal

Date: 13 January 2021

Status: Immediate

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

The appellants, a political party and its leader had published a copy of a letter of request they had made to the President of the Republic. The letter made allegations of misconduct against the several respondents and demanded a public enquiry. The aggrieved respondents were granted an interim order by the High Court inhibiting a repetition of the contents of the letter pending an action for damages based on the allegations therein being defamatory and unlawful. The High Court granted leave to appeal on the basis of the proposition that the interests of justice required an appeal to examine whether the interim order violated the appellants constitutional rights to free political activity and freedom of speech.

At the hearing of the appeal, by a majority judgment, the appeal was struck from the roll on the grounds that the interests of justice did not require an appeal and that were the court to address the appellants' contentions the role of the trial court would be pre-empted. Two dissenting judgments held, to the contrary, that it was appropriate to have entertained the appeal on the grounds that the interests of justice required it and the matter should not have been struck off the roll.
