

In the HIGH COURT of South Africa
(WESTERN CAPE DIVISION, CAPE TOWN)

In the matter between:
Abdool Kader Hoosen
and:
Imraahn Mukaddam

Case No – Saak No

15745/18

Plaintiff


Defendant

Return in accordance with the provisions of the Supreme Court Act 59 of 1959, as amended

On this 07 day of September 2018 at 09:00 I served this SUMMONS (COMBINED) upon Mrs K Mukkadam - Wife, ostensibly a responsible person and not less than 16 years of age, of and in control of and at the place of residence of Imraahn Mukaddam at 292 Halt Road, Elsies River, the lastmentioned being temporarily absent, and by handing to the firstmentioned a copy thereof after exhibiting the original and explaining the nature and exigency of the said process. RULE 4(1)(a)(ii)

Attempt: 31.08.18 at 12:55 - Premises locked
(AMENDED RETURN)

Note: The original return together with the original abovementioned process is despatched to the mandator.

Sheriff Fees Baljugeelde	Date Datum	07.09.2018	Tax Invoice Number Belastingfaktuur Nr.	I 217612																																												
			<table border="1"> <thead> <tr> <th>Description.....</th> <th>Qty</th> <th>Vat</th> <th>Amount</th> </tr> </thead> <tbody> <tr> <td>Service</td> <td>1</td> <td>9.45</td> <td>63.00</td> </tr> <tr> <td>Return</td> <td>1</td> <td>5.03</td> <td>33.50</td> </tr> <tr> <td>Postage & Petties</td> <td>1</td> <td>2.00</td> <td>13.30</td> </tr> <tr> <td>Registration (Item 1(A))</td> <td>1</td> <td>1.50</td> <td>10.00</td> </tr> <tr> <td>Copy</td> <td>1</td> <td>0.60</td> <td>4.00</td> </tr> <tr> <td>Traveling Cost 5.00 P/Km</td> <td>1</td> <td>18.00</td> <td>120.00</td> </tr> <tr> <td>Telephone</td> <td>1</td> <td>4.18</td> <td>27.85</td> </tr> <tr> <td>Att. Service</td> <td>1</td> <td>7.05</td> <td>47.00</td> </tr> <tr> <td>E-mails pages received</td> <td>2</td> <td>1.65</td> <td>11.00</td> </tr> <tr> <td>VAT / BTW</td> <td></td> <td></td> <td>49.45</td> </tr> </tbody> </table>	Description.....	Qty	Vat	Amount	Service	1	9.45	63.00	Return	1	5.03	33.50	Postage & Petties	1	2.00	13.30	Registration (Item 1(A))	1	1.50	10.00	Copy	1	0.60	4.00	Traveling Cost 5.00 P/Km	1	18.00	120.00	Telephone	1	4.18	27.85	Att. Service	1	7.05	47.00	E-mails pages received	2	1.65	11.00	VAT / BTW			49.45	<p>Oosthuizen Deputy Sheriff</p> <p>F van Greunen Sheriff - Balju Goodwood Area 2 P O Box 192 Goodwood 7459 Tel: 021 592 0140 Fax: 021 592 4829 Doccx 2 Goodwood sheriffgoodwood2@telkomsa.net Bank Detail: Absa Bank Goodwood BrCode: 632005 AccNo: 4049602081 AccName: F van Greunen t/a Sheriff Goodwood Area 2</p>
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Registrar: WESTERN CAPE DIVISION, C																																																

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and:
Imraahn Mukaddam

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Defendant

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File COPY
Lêerafskrif

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			Registrar: WESTERN CAPE DIVISION, C	379.10

S Oosthuizen
Deputy Sheriff
F van Greunen
Sheriff - Balju
Goodwood Area 2
P O Box 192
Goodwood
7459
Tel: 021 592 0140
Fax: 021 592 4829
Docex 2 Goodwood
sheriffgoodwood2@telkomsa.net
Bank Detail:
Absa Bank Goodwood
BrCode: 632005
AccNo: 4049602081
AccName: F van Greunen t/a
Sheriff Goodwood Area 2





**IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN**

CASE NUMBER:

15745/18

In the matter between:

ABDOOL KADER HOUSEN

Plaintiff

And



IMRAAHN MUKADDAM

Defendant

COMBINED SUMMONS

To: THE SHERIFF OR HIS / HER DEPUTY

INFORM:

IMRAAHN MUKADDAM, an adult male employed at premises situated at 292 Halt Road, Elsies River, Cape Town, whose full and further particulars are unknown to the Plaintiff.

(Hereinafter referred to as the Defendant)

THAT:

ABDOOL KADER HOUSEN, an adult male theologian residing at 91 Lenasia Drive, Extension 1, Lenasia, Gauteng.

(Hereinafter called the "Plaintiff"),

INFORM the Defendant further that if the Defendant disputes the claim and wishes to defend the action, the Defendant shall:-

- (i) within 10 (ten) days of the service upon the Defendant of this summons, file with the registrar of this Court at the High Court Building, **35 KEEROM STREET, CAPE TOWN**, notice of the Defendant's intention to defend and serve a copy thereof on the attorneys of the Plaintiff which notice shall give the Defendant's full residential or business address as well as an address (not being a post office or poste restante) referred to in Rule 6(5)(b) for the service on the Defendant of all notices and documents in the action.
- (ii) thereafter and within **20 (TWENTY)** days after filing and serving notice of intention to defend as aforesaid, file with the registrar and serve upon the Plaintiff a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the Defendant further that if the Defendant fails to file and serve the notice as aforesaid, judgment as claimed may be given against the Defendant without further notice.

AND immediately thereafter serve on the Defendant a copy of this summons and return same to the Registrar whatsoever you have done thereupon.

Dated and signed at **CAPE TOWN** on this the 23 day of **AUGUST 2018**.


REGISTRAR OF THE ABOVE COURT


ZAKARIYYA AREINGTON ATTORNEY

Plaintiff's Attorney

Tel: (+27) 87 897 6547

Mobile: 072 566 9893

Email: zareington@gmail.com

Ref: H003/18

C/O ISMAIL MOHAMED ATTORNEYS

32B Kenilworth Centre

Dancaster Road

Kenilworth

Cape Town



PARTICULARS OF CLAIM

1. The plaintiff is **ABDOOL KADER HOOSEN**, an adult male theologian residing at 91 Lenasia Drive, Extension 1, Lenasia, Gauteng.
2. The defendant is **IMRAAHN MUKADDAM**, an adult male employed at premises situated at 292 Halt Road, Elsies River, Cape Town, whose full and further particulars are unknown to the Plaintiff.
3. The defendant is employed within the jurisdiction of the above court.
4. On about the 14th June 2018 three adult males were murdered at the Malmesbury Masjid (Islamic place of worship) in Cape Town.
5. Following the aforesaid tragedy and on about the 14th June 2018, during a live video broadcast, the defendant uttered the following words directly referring to the plaintiff and which the plaintiff hereby reproduces verbatim:

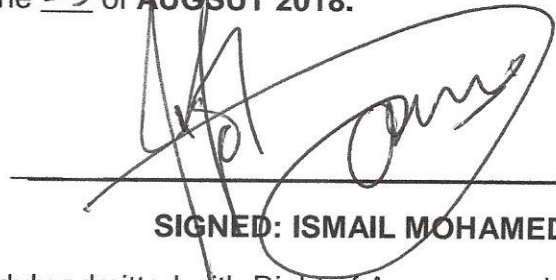
“...when we asked for peace our leaders asked for war. I want to say, Mufti A K Hoosen and Mufti A S Desai, shukran, shukran, shukran, you have blood on your hands...”
6. The defendant's statement was wrongful and defamatory to the plaintiff.
7. The defendant uttered the above recorded statement with the intention to defame the plaintiff and injure his reputation.

8. As a result of the defamation, the plaintiff has been damaged in his reputation and has suffered damages in the sum of **R 5 000 000.00 (Five Million Rand)**.

WHEREFORE the Plaintiff prays for judgement against the defendant for-

- a) Payment in the sum of **R 5 000 000.00**;
- b) Costs of suit;
- c) Further and / or alternative relief.

Dated and signed at **CAPE TOWN** on this the 23 of **AUGUST 2018**.



A handwritten signature in black ink, appearing to read 'Ismail Mohamed', is written over a horizontal line. The signature is stylized and somewhat cursive.

SIGNED: ISMAIL MOHAMED

(duly admitted with Right of Appearance in

In the High Court in terms of

Section 4 (2) of Act 62 of 1995)

ZAKARIYYA AREINGTON ATTORNEY

Plaintiff's Attorney

Tel: (+27) 87 897 6547

Mobile: 072 566 9893

Email: zareington@gmail.com

Ref: H003/18

C/O ISMAIL MOHAMED ATTORNEYS

32B Kenilworth Centre

Dancaster Road

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Cape Town