



IN THE HIGH COURT OF SOUTH AFRICA

KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NUMBER: 2026-029382

In the matter between:

ALS PARAMEDICS (PTY) LTD.

APPLICANT

Versus

**SIBONISO ARMSTRONG DUMA in his capacity as MEC FOR
DEPARTMENT OF TRANSPORT AND HUMAN SETTLEMENTS:**

KWAZULU-NATAL

RESPONDENT

JUDGMENT

P C BEZUIDENHOUT J:

[1] Applicant brought an urgent application that Respondent be interdicted and restrained from making any written or verbal defamatory statements concerning Applicant including by stating or implying what is set out in the notice of motion. I am not going to repeat them herein. In the notice of motion it required the publication of a formal retraction by Respondent but this was during argument requested to be deleted. Applicant seeks that the relief which is sought in paragraph 2.1 of the notice

of motion should operate as interim interdict pending the finalisation of the application. It is opposed by Respondent who submitted that the matter was not urgent.

[2] It was submitted on behalf of Applicant that Respondent made these statements on two occasions on the same day, 29 January 2026 and that it may continue. It was submitted that Applicant was vulnerable to such comments and that it was necessary to prevent it from continuing and that the words must be seen in the context of their meaning. It was submitted that the words such as “bulldoze”, “misreport”, “not provide service to member of the public that does not have medical aid” were indeed defamatory and implies that Applicant operates in a manner that is not befitting of human life. Applicant would therefore suffer irreparable harm if it is not granted.

[3] It was submitted on behalf of Respondent that in actual fact the relief which was sought was final relief and that that was not appropriate. It was further submitted that if the order is granted it would not have any effect because Respondent may be moved from the position of MEC for Transport. It was submitted that Applicant has an alternative remedy in that an action could be instituted and that there was no case for interim relief. It was further submitted that Respondent did not mislead the public and that what he said was in the public interest and correct. It was not denied by Respondent that he did utter the said words.

[4] The incident originated on 29 January 2026 at an accident scene where Applicant arrived at the scene at 8H30. They assisted at the scene and Respondent arrived at the scene at 11H00. The EMRS operations manager requested staff of Applicant for medication to assist. It was reported to Applicant’s staff that one person had died at the Albert Luthuli Hospital which he then informed Respondent of. It was then discovered that there was a misunderstanding that it was someone on the way to Albert Luthuli Hospital not from there and he then immediately informed Respondent that there was not another person that had died and accordingly it was 11 and not 12 as it then would have been.

[5] Respondent then held a press conference with the SABC News 1, 2 and 3, East Coast Radio and others as well as SABC Radio and on two occasions on the said day made the remarks which Applicants now contends are defamatory and that Respondent must be prevented from uttering such again.

[6] Respondent *inter alia* uttered the following:

“Unfortunately there is another thing that took place. Both RTI, Metro and the SAPS are complaining about ALS services. They are saying that they bully on the scene and in some instances the fluctuate members. Like for instance, they told that there were 12 people that died which was not true and two weeks ago during the accident that took place they say that 11 people were affected or who were injured which was a fallacy. There were only 3 school going children in the school and all of them were not even injured. So it is something that they must persists from doing because it is not right that we saying that scene’s like these are so sensitive.”

He also uttered the following:

“I’m sure you know by now they are also insensitive in some instances. If you do not have a medical aid they are not going to assist you. If it means that you are dying, if it means that they could still save you. It is something that is which is why I would prefer to deal with the Department of Health.”

He continued:

“So we just have to manage these matter in a manner that is befitting of the human life at this point in time.”

[7] It is therefore contended by Applicant that the statement by Respondent is defamatory and the meaning of the words is obvious from the statement and is meant to infer that Applicant does not *inter alia* manage matters in a manner befitting human life.

[8] On a reading of the papers it would appear that what Applicant contends is defamatory was said by Respondent on two occasion the same day, 29 January 2026, and there were further reports in newspapers that related to the letter of demand from Applicant to Respondent to retract the said words which he refused to do.

[9] There is no indication in the papers that after 29 January 2026 Respondent once again made these remarks or any indication that he is intent on doing so.

[10] There is mention of an attack on an EMS ambulance. There is nothing to indicate an attack on one of Applicant's ambulances nor that such is imminent.

[11] Accordingly I am of the view considering what was said that there may be the issue of whether what was said is defamatory but that no case has been made out for interim relief.

[12] It would accordingly be necessary for the papers to be supplemented and that an order should be granted to both Applicant and Respondent to supplement their papers. Applicant to supplement their papers if they so wish, Respondent theirs and Applicant then to file a reply.

I accordingly grant an order in terms of:

1. That a *rule nisi* do hereby issue calling upon Respondent to show cause, if any, on or before the 4 day of May 2026 why an order should not be granted in the following terms:
 - 1.1 That Respondent is interdicted and restrained from making written or verbal defamatory statements concerning Applicant, including by stating or implying the following;
 - 1.1.1 That Applicant "bulldozes" at the scene of motor vehicle collisions and that Applicant is insensitive;

- 1.1.2 That RTI, SAPS and Metro were complaining about Applicant;
 - 1.1.3 That Applicant misreports the numbers of injured and deceased persons affected by motor vehicle collisions;
 - 1.1.4 That Applicant fails to provide services to members of the public without medical aid, and
 - 1.1.5 That Applicant manages its operations in a manner that is not befitting of huma life.
- 1.2 That Respondent is directed to pay the costs of this application on the attorney and client scale, such costs to include counsel's costs on Scale B.
2. Applicant is granted leave to supplement its papers by 10 March 2026.
 3. Respondent is granted leave to supplement its papers by 26 March 2026.
 4. Applicant to file a reply by 10 April 2026.
 5. Costs of today are reserved.



P C BEZUIDENHOUT J.

JUDGMENT RESERVED: 19 FEBRUARY 2026

JUDGMENT HANDED DOWN: 20 FEBRUARY 2026

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