



REPUBLIC OF SOUTH AFRICA

**FORM 2**  
**[Regulation 3]**  
**APPLICATION FOR PROTECTION ORDER**  
**SECTION 2(1) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)**

In the Magistrate's Court for the District of KUILSRIVER

Application number: .....20.....

Name of complainant: RUBEN THEODOR FITCHAT

**This form is to be lodged with the clerk of the court**

Is the complainant in possession of or in the process of applying for a protection order against harassment or stalking as provided for in the Domestic Violence Act, 1998 (Act No. 116 of 1998).

Yes  No

**PART A : APPLICATION**

(\*Delete whichever is not applicable)

**1. PARTICULARS OF COMPLAINANT**

Surname:	FITCHAT
Full names:	RUBEN <del>THEODOR</del> THEODOR
Identity number:	841228 5132 089
Date of birth:	28 DECEMBER 1984
Home or temporary address:	91 FRANGIPANI STREET KLEINBRON ESTATE BRACKENFELL 7560
Home/contact telephone number/s:	083 925 1545
Work address:	AS ABOVE
Work telephone number:	N/A
Occupation:	PROGRAMMER

**\*2. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF THE ABOVEMENTIONED COMPLAINANT (if applicable)**

Surname:	N/A
Full names:	
Identity number:	
Date of birth:	
Home or temporary address:	
Home/contact telephone number/s:	
Work address:	
Work telephone number:	
Occupation:	
Nature of relationship with the complainant:	
State reason(s) why application is made on behalf of the complainant:	
Indicate whether written consent of complainant has been obtained: <i>(Delete whichever is not applicable)</i>	<p>*(a) Written consent has been obtained and is attached.</p> <p>*(b) Written consent is not necessary since the complainant is a child (under the age of 18 years).</p> <p>*(c) The complainant is unable to provide written consent because:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

**\*3. PARTICULARS OF RELATED PERSON/S AFFECTED BY HARASSMENT (A RELATED PERSON IS ANY MEMBER OF THE FAMILY OR HOUSEHOLD OF A COMPLAINANT, OR ANY OTHER PERSON IN CLOSE RELATIONSHIP TO THE COMPLAINANT):**

Name:	Age:	Relationship to complainant:
SONET FITCHAT	39	WIFE

**4. INFORMATION REGARDING ACTS OF HARASSMENT**

*(Take note:*

- (a) Supporting affidavits by persons who have knowledge of the matter concerned may accompany this application and must be annexed as an annexure to this form.*
- (b) If reference is made to any documents, photographs, recordings, videos etc. —*
  - (i) the original thereof must at all times be kept by the complainant for purposes of submitting it as evidence in this application and a subsequent hearing that may take place;*
  - (ii) copies of documents and photographs may be attached to this form as an annexure; and*
  - (iii) copies of audio and video recordings may also be attached to this form as an annexure if it is furnished on a CD, DVD or other computer readable device and in a computer readable format and sealed in an envelope.)*
- (c) TAKE NOTE: All annexures to this document must be –*
  - (i) numbered alphabetically starting with "A"; and*
  - (ii) listed under paragraph 10, below.*

**Give full details of all incidents of harassment:**

.....  
 Please see "Annexure A"  
 .....  
 .....  
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Handwriting practice lines consisting of 28 horizontal dotted lines on a white background.

**5. PARTICULARS OF RESPONDENT (PERSON RESPONSIBLE FOR HARASSMENT OF THE COMPLAINANT OR RELATED PERSON):**

**\*5.1 To be completed where the respondent is known to the complainant:**

Surname:	FRANKEN
Full names:	ELMO
Home address:	89 FRANGIPANI STREET KLEINBROW ESTATE BRACKENFELL
Address where respondent can likely be found:	89 FRANGIPANI STREET - HE IS USUALLY AT HOME
Telephone number:	
Facsimile number:	
E-mail address:	
Cellular phone number:	082 784 5982
Work address:	
Work telephone number:	
Occupation:	

**\*5.2 To be completed where respondent is unknown to the complainant and uses electronic communications to harass complainant:**

The name of the service provider which provides a service to the complainant or related person over which the harassing communication was received (for example XYD Internet service provider which provides an internet service to the complainant/related person who is the owner/user of the computer which received a harassing e-mail):	N/A
The electronic communications identity number associated with the aforementioned service to which the harassing communication was sent (for example the Internet Protocol (IP) address assigned to the computer of the complainant/related person or cellular phone number or telephone number which received the harassing communication):	

<p>The electronic communications identity number from where the harassing communication originated, where available (for example the e-mail address and/or IP address accompanying the harassing electronic communication or a web-address which contains harassing content or cellular phone number from which the harassing communication originated):</p>	
<p>Date, time and duration of harassing communication, if applicable (for example the complainant received a harassing cellular phone call on 12 December 2012 at 12h00 which lasted 12 minutes):</p>	

**\*5.3 To be completed where respondent is unknown to the complainant and physically harasses the complainant:**

Will you be able to identify the respondent: Yes  No

(a) Description of respondent: N/A.....  
 .....  
 .....  
 .....  
 .....  
 .....  
 .....

(b) Location where respondent can probably be found: .....  
 .....  
 .....

(c) Any other information that might assist the South African Police Service in tracing the respondent:  
 .....  
 .....  
 .....  
 .....

(d) (i) Did the complainant or related person make a statement under oath or affirmation at a police station that he or she intends to apply for a protection order against harassment against a person whose name and address are unknown to the complainant: Yes  No

(ii) If the answer under paragraph (d)(i) is yes, please state the following particulars:

At which police station was the statement made:	
Date and time of making the statement:	
Reference number:	

6. INFORMATION REGARDING URGENCY OF APPLICATION

Submit the reasons why the court has to consider the application as a matter of urgency:

The parties involved are neighbours and we are unable to avoid each other.

We are afraid that another physical altercation will occur and that the situation will escalate before we are able to call security or law enforcement next time.

The noise has already started again, only a few days after the incident on 19 October 2021.

The complainant's wife is scared to take their children to the public area across from their house (or just to play in the front yard) without her husband being present because she anticipates the respondents will target her.

The one respondent, Mrs Marine Franken, has indicated that the children have the right to make a noise, and that the complainant must accept it. She claims the noise is beyond her control.

**7. TERMS OF PROTECTION ORDER**

The court is requested to —

**7.1 prohibit the respondent from —**

- \*7.1.1 engaging in or attempting to engage in harassment of the complainant;
- \*7.1.2 engaging in or attempting to engage in harassment of the related persons whose particulars are provided in paragraph 3, above;
- \*7.1.2 enlisting the help of another person to engage in harassment of the \*complainant/\*related person;
- \*7.1.3 committing any of the following act/s:

- (a) preventing the complainant and related persons from telling anyone making or causing a noise within hearing distance of the complainant's home
- (b) to be quiet.
- (b) entering any part of the complainant's property, or causing or
- (e) encouraging anyone else to do so. Any object on the property will be confiscated and videos
- (c) taking and publishing photographs of any part of the complainant's house, property, belongings, the complainant and his family. Please

**\*7.2 impose the following additional conditions that are necessary to protect and to provide for the safety and well-being of the \*complainant/\* related person: remove any already published.**

- (a) The items in 7.1 apply to the respondent's family members as well.
- (b)
- (c)

**\*7.3 order (mark appropriate space and complete where necessary):**

*(a)	That a member of the South African Police Service is to seize the following weapon(s) ..... .....	N/A
*(b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence: ..... ....., to supervise the collection of the complainant's or related person's personal property set out in paragraph 8, below.	N/A
*(c)	That the station commander of the ..... police station must investigate the matter with the view to instituting a criminal prosecution against the respondent.	N/A



**\*8. PERSONAL PROPERTY**

Property description:	Grounds on which property is considered to be personal property:	Address where property is kept:
N/A		

**9. POLICE STATION WHERE BREACH OF PROTECTION ORDER WILL LIKELY BE REPORTED**

I am likely to report a breach of the protection order at the BRACKENFELL Police Station.

**10. INDEX OF ANNEXURES TO THIS FORM**

Mark each Annexure alphabetically, starting with "Annexure A", and attach it to this form.	Give short description of Annexure, for example "statement of witness X", "CD with photographs".
Annexure A	Incidents of harassment
Annexure B	Affidavit - Theo Fitchat
Annexure C	Affidavit - Sonet Fitchat
Annexure D	Security guard report (available from SJC Security)
Annexure E	Whatsapps - Mariné Franken
Annexure F	Photos and map
Annexure G	CD with video of 19 October 2021 incident
Annexure H	Email with SJC Security
Annexure I	Email with Klein Bron Estate

- WARNING:**
- \* It is a criminal offence to make a false statement in an affidavit for the application for a protection order.
  - \* The court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.

Fitchat  
 \*Signature/\*thumb print /\*mark of (complainant) person who applies for a protection order on behalf of the complainant

25 OCTOBER 2021  
 Date

**PART B : CERTIFICATION**

I certify that before administering the \*oath /\* taking the affirmation I asked the Deponent the following questions and noted \*her/his answers in \*her/\*his presence as indicated below:-

- (a) Do you know and understand the contents of the above declaration? Answer: .....
- (b) Do you have any objection to taking the prescribed oath? Answer: .....
- (c) Do you consider the prescribed oath to be binding on your conscience? Answer: .....

I certify that the Deponent has acknowledged that \*she/\*he knows and understands the contents of this declaration which was \*sworn to / \*affirmed before me, and the Deponent's \*signature / \*thumb print / \*mark was placed thereon in my presence.

Dated at ..... this ..... day of ..... 20.....

**Justice of the Peace / Commissioner of Oaths**

Full Names: .....

Designation: .....

Area for which appointed: .....

Business Address: .....

**To be completed by the clerk of the court**

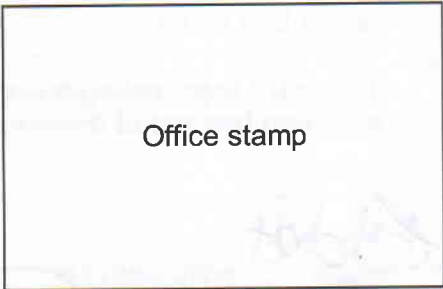
**PART C:**

1. I, ....., the clerk of the above-mentioned court, received the application for a protection order on (date): ..... (time): .....
2. I have completed the attached acknowledgement of receipt and handed it to the person who lodged this application for a protection order.

**PART D:**

The application for a protection order was submitted to (name and surname of magistrate):  
..... on (date):..... (time): .....

Signature of clerk of the court: .....





**Acknowledgement of receipt of application for a protection order by clerk of the court**

**(Take note: This acknowledgement of receipt must be handed to the person who lodges the application with the clerk of the court)**

**Application number:** .....20.....

**Name of complainant:** .....

I, ....., the clerk of the Magistrate's Court for the District of ....., hereby acknowledges receipt of the application for a protection order against harassment.

.....  
**Signature of clerk of the court:**

**Date:** .....

**Time:** .....

