

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF KUILSRIVER
HELD AT KUILSRIVER**

CASE NO: 10562/2022

In the matter between:

RUBEN THEODOR FITCHAT

Plaintiff

and

MARINÉ FRANKEN

Defendant

REPLY

PLEASE TAKE NOTE THAT the Plaintiff replies as follows to the Defendant's plea:

RE PARAGRAPH 2

1. The Defendant's statement is denied. The above Honourable Court does indeed have jurisdiction to hear the matter, since the Magistrate Court's monetary jurisdiction is between R200 000 and R400 000, as published in Government Gazette No. 374477.

RE PARAGRAPH 3

2. The content of this paragraph is noted.

RE PARAGRAPH 4

3. The Plaintiff denies that the Defendant's approach for relief was within her Constitutional rights.

4. The Plaintiff contends that the Defendant knew that the Plaintiff had not infringed on her rights to privacy and dignity, and that the Defendant maliciously abused the legal system for the improper end of harassing the Plaintiff.

RE PARAGRAPH 5

5. The contents of the subparagraphs are denied, and the Plaintiff maintains they are relevant to the current case.

RE PARAGRAPH 6

6. The contents of the subparagraphs are denied, and the Plaintiff maintains they are relevant to the current case.

RE PARAGRAPH 7

7. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 8

8. The Plaintiff denies the content of this paragraph, and contends that his statements are very relevant to these proceedings.

RE PARAGRAPH 10.2

9. The contents of this paragraph are denied, and the Plaintiff stands by his statement. The Plaintiff further queries how the Defendant knows whether the HOA obtained legal advice for their CSOS case against him.

RE PARAGRAPH 11

10. The contents of this paragraph are denied, and the Plaintiff stands by his statement.

RE PARAGRAPH 12

11.The contents of this paragraph are denied, and the Plaintiff stands by his statement.

RE PARAGRAPH 13

12.The contents of this paragraph are denied, and the Plaintiff stands by his statement. The Plaintiff contends his statements are relevant to these proceedings.

RE PARAGRAPH 14

13.The Plaintiff denies the content of this paragraph.

RE PARAGRAPH 15

14.The Plaintiff denies the content of this paragraph.

RE PARAGRAPH 16

15.The Plaintiff denies the content of this paragraph, and maintains that his statements are relevant to these proceedings.

RE PARAGRAPH 17

16.The Plaintiff denies the content of this paragraph, and maintains that the Defendant was involved.

RE PARAGRAPH 18

17.The contents of this paragraph are denied, and the Plaintiff stands by his statement.

RE PARAGRAPH 19

18. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 20

19. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 21

20. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 22

21. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 23

22. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 24

23. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 25

24. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 26

25. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 27

26. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 28

27. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

RE PARAGRAPH 29

28. The Plaintiff denies the content of this paragraph and the Plaintiff will prove his statement.

WHEREFORE the Plaintiff stands by his claim.

DATED at BRACKENFELL on this 30th day of JANUARY 2023.



RUBEN THEODOR FITCHAT

91 FRANGIPANI STREET

KLEINBRON ESTATE

BRACKENFELL

7560

Cell: 083 925 1545

Email: theo@cluedapp.co.za

TO: THE CLERK OF THE COURT

Magistrates Court

KUILSRIVER

AND TO: Defendant's Attorneys

VAN ZYL LAW INC.

4TH Floor, CRF Building

4 Bridal Close

Tygerfalls, Tygervalley

Tel: 021 492 4824

Email: andre@vzlaw.co.za

Ref: AVZ/mf01

SERVICE AGREED BY EMAIL

C/O HICKMAN VAN EEDEN PHILLIPS

96 van Riebeeck Road

KUILSRIVIER

Tel: 021 903 3106

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF KUILSRIVER
HELD AT KUILSRIVER**

CASE NO: 10562/2022

In the matter between:

RUBEN THEODOR FITCHAT

Plaintiff

and

MARINÉ FRANKEN

Defendant

PLAINTIFF'S PLEA TO DEFENDANT'S COUNTERCLAIM

PLEASE TAKE NOTE THAT the Plaintiff pleads as follows to the Defendant's counterclaim:

RE PARAGRAPH 1

1. The Plaintiff admits sending the relevant email. The Plaintiff denies slandering and defaming the Defendant with malicious intent in the relevant email.
2. The parties who were included in the email were relevant law enforcement and authorities who are authorised to handle such situations.
3. The Plaintiff contends his remarks were made in the public interest, and with the intention to inform the relevant authorities regarding the situation, and for them to investigate the matter.

RE PARAGRAPH 1.14

4. The Plaintiff denies including an employee of the Plaintiff's employer in his email.

RE PARAGRAPH 2

5. The Plaintiff denies the contents of this paragraph.
6. The Plaintiff maintains that the Defendant is a real estate harasser, and that the Defendant's actions are in line with actions taken by real estate harassment groups.
7. The Defendant's address was included in order for law enforcement to be able to locate and investigate the Defendant.

RE PARAGRAPH 3

8. The Plaintiff denies being upset by the relevant final adjudication order. It does not make sense for the Plaintiff to be upset by a final adjudication order that found in his favour.
9. The Defendant maintains that the Defendant was indeed involved in the matter, and she attempted to add herself as a party.
10. On 9 May 2022, the Defendant asked CSOS to join her case to Mrs Viljoen's and Mrs Johnson's cases.
11. On 7 June 2022, Mrs Johnson asked CSOS to join the abovementioned three cases.
12. On 8 June 2022, Mrs Viljoen asked CSOS to join the abovementioned three cases.
13. The Defendant, Mrs Viljoen and Mrs Johnson were clearly working together against the Plaintiff.

RE PARAGRAPH 4

14. The Plaintiff denies that his email was slanderous, defamatory, or made with malicious intent.
15. The Plaintiff disputes the Defendant's claim that she has an "untainted reputation", and puts her to the proof thereof.
16. Regarding the Defendant's statement that the Plaintiff's email has affected the security of her and her family – the Plaintiff has only notified relevant law enforcement and authorities of the Defendant's actions. The only way that the Defendant's "security" could possibly be affected by them, would be if the

Defendant was indeed involved in criminal activity, and law enforcement prosecuted her.

17. Since the Defendant indicates that she is now in danger from law enforcement, the Defendant has admitted that she is involved in criminal activity.

RE PARAGRAPH 5

18. The Plaintiff continues to refuse to retract his statements.

19. The Plaintiff disputes the Defendant's claim that her reputation is damaged, and puts her to the proof thereof.

20. The Plaintiff disputes the Defendant's claim that her security is permanently threatened, since if the relevant law enforcement investigates her, and she is as innocent as she claims to be, then the case against her will be closed.

21. The only way her "security would be permanently threatened" is if she is involved in crime, in which case the security of other people is threatened by her presence, and criminal action is the only way to deal with her.

RE PARAGRAPH 6

22. The Plaintiff denies the Defendant's claim that she has suffered damages of R400 000.

23. The Defendant's counterclaim is yet another vexatious action by the Defendant to attempt to achieve the Defendant's goal of illegally evicting the Plaintiff from his house, and to discourage the Plaintiff from taking criminal action against her.

24. The Plaintiff's house has a history of being sold for a smaller amount than what it was bought for.

25. The Defendant is harassing the Plaintiff to coerce him to sell his house for less than what he had bought it for, in order for the Defendant to illegally profit from the sale of the Plaintiff's house.

RE PARAGRAPH 7

26. The Magistrate's Court's monetary jurisdiction is R200 000 - R400 000.

WHEREFORE the Plaintiff prays that the Defendant's counterclaim be dismissed with costs.

DATED at BRACKENFELL on this 30th day of JANUARY 2023.



RUBEN THEODOR FITCHAT

91 FRANGIPANI STREET

KLEINBRON ESTATE

BRACKENFELL

7560

Cell: 083 925 1545

Email: theo@cluedapp.co.za

TO: THE CLERK OF THE COURT

Magistrates Court

KUILSRIVER

AND TO: Defendant's Attorneys

VAN ZYL LAW INC.

4TH Floor, CRF Building

4 Bridal Close

Tygerfalls, Tygervalley

Tel: 021 492 4824

Email: andre@vzlaw.co.za

Ref: AVZ/mf01

SERVICE AGREED BY EMAIL

C/O HICKMAN VAN EEDEN PHILLIPS

96 van Riebeeck Road

KUILSRIVIER

Tel: 021 903 3106