

**IN THE SUPREME COURT OF APPEAL OF
SOUTH AFRICA**

**IN DIE HOOGSTE HOF VAN APPÈL VAN
SUID-AFRIKA**



**FINAL COURT ROLL
NOVEMBER 2021
(12 November 2021)**

JUDGES - NOVEMBER 2021

- 1 Petse AP
- 2 Saldulker ADP
- 3 Zondi JA
- 4 Dambuza JA
- 5 Mathopo JA
- 6 Van der Merwe JA
- 7 Mocumie JA
- 8 Molemela JA
- 9 Makgoka JA
- 10 Schippers JA
- 11 Mokgohloa JA
- 12 Plasket JA
- 13 Nicholls JA
- 14 Mbatha JA
- 15 Gorven JA
- 16 Mothle JA
- 17 Hughes JA
- 18 Mabindla-Boqwana JA
- 19 Meyer AJA
- 20 Kgoele AJA
- 21 Smith AJA
- 22 Phatshoane AJA
- 23 Weiner AJA
- 24 Molefe AJA
- 25 Unterhalter AJA

Tuesday: 2 November 2021

COURT A

**1. The Minister of Police v Shawn Bosman, Anushka Dowson, Serano Dowson, Brenda Claassen, Cheslin Voster, Grant Markley, Denver Lackay, Chine Jass and Mornay Jass
1163/2020 (ECG)**

2 5 8 13 21

Saldulker ADP
Mathopo JA
Molemela JA
Nicholls JA
Smith AJA

COURT B

**2. Dave Pretorius v Kenneth Bedwell
659/2020 (GP)**

6 11 17 22 23

Van der Merwe JA
Mokgohloa JA
Hughes JA
Phatshoane AJA
Weiner AJA

COURT C

**3. Mawanda Makhala and Velile Waxa v The State
438/2020 (WCC)**

7 9 16 19 25

Mocumie JA
Makgoka JA
Mothle JA
Meyer AJA
Unterhalter AJA

Wednesday: 3 November 2021

COURT A

**4. African Transformation Movement v The Speaker of the National Assembly, The President of the Republic of South Africa, African National Congress, Democratic Alliance and Economic Freedom Fighters
643/2021 (WCC)**

1 13 15 20 21

Petse AP
Nicholls JA
Gorven JA
Kgoele AJA
Smith AJA

COURT B

5. Tahilram Rajkumar v The Trustees for the time being of the Lukamber Trust and A & A Dynamic Distributors (Pty) Ltd

845/2020 (GJ)

3 4 12 17 19

Zondi JA
Dambuza JA
Plasket JA
Hughes JA
Meyer AJA

Thursday: 4 November 2021

COURT A

6. Samancor Chrome Limited v North West Chrome Mining Proprietary Limited, Monageng Family Mining Services Proprietary Limited, Regional Manager, North West Region, Department of Mineral Resources, The Minister of Police, and The Sheriff of the High Court of South Africa, North West Division, Mankwe

30/2020 (NWM)

1 4 6 9 18

Petse AP
Dambuza JA
Van der Merwe JA
Makgoka JA
Mabindla-Boqwana JA

COURT B

7. Edwin Hubert van der Merwe v Bonnievale Piggery (Pty) Ltd

749/2020 (WCC)

2 10 13 14 17

Saldulker ADP
Schippers JA
Nicholls JA
Mbatha JA
Hughes JA

COURT C

8. Macsteel Tube and Pipe, a division of Macsteel Service Centres SA (Pty) Ltd v Vowles

Properties (Pty) Ltd

680/2020 (GJ)

5 7 8 20 24

Mathopo JA
Mocumie JA
Molemela JA
Kgoele AJA
Molefe AJA

Friday: 5 November 2021

COURT A

9. Willem Johannes Steyn N O (in his capacity as trustee of the Amorosa Protea Village Trust), Alminda Sophia Kruger N O (in her capacity as trustee of the Amorosa Protea Village Trust), Jarkie Trust Administrators (Pty) Ltd (in its capacity as trustee of the Amorosa Protea Village Trust), Bill Engelberg Steyn N O (in his capacity as trustee of the Monoline Investments 7 Trust), Willem Johannes Steyn N O (in his capacity as trustee of the Monoline Investments 7 Trust), Jarkie Trust Administrators (Pty) Ltd (in its capacity as trustee for the time being of the Monoline Investments 7 Trust), Bill Engelberg Steyn N O (in his capacity as trustee of the Monoline Investments 8 Trust), Alminda Sophia Kruger (in her capacity as trustee of the Monoline Investments 8 Trust), Jarkie Trust Administrators (Pty) Ltd represented by Johannes Antonie Roets (in its capacity as trustee of the Monoline Investments 8 Trust), Willem Johannes Steyn N O (in his capacity as trustee of the Mon Elmie Trust), Alminda Sophia Kruger (in her capacity as trustee of the Mon Elmie Trust) and Jarkie Trust Administrators (Pty) Ltd represented by Johannes Antonie Roets (in its capacity as trustee of the Mon Elmie Trust) v Nedbank Limited and The Registrar of Deeds, Johannesburg

805/2020 (GJ)

2 5 12 21 25

Saldulker ADP
Mathopo JA
Plasket JA
Smith AJA
Unterhalter AJA

COURT B

10. Deltamune (Pty) Ltd, Red Meat Industry Forum, The Association of Meat Importers and Exporters, Federated Meats (Pty) Ltd, Curly Wee Boerdery (Pty) Ltd, Ibis Piggery (Pty) Ltd, Koo Roo Chickens CC t/a Marios Meat, Molare Investments (Pty) Ltd, New Style Pork (Pty) Ltd t/a Lynca Meats, Winelands Pork (Pty) Ltd and Others v Tiger Brands Limited, Enterprise Foods (Pty) Ltd and Tiger Consumer Brands Limited

847/2020 (GJ)

3 9 11 15 19

Zondi JA
Makgoka JA
Mokgohloa JA
Gorven JA
Meyer AJA

COURT C

11. Chairperson of the North West Gambling Board and The North West Gambling Board v Sun International (South Africa) Limited
1214/2019 (NWM)

6 10 14 22 23

Van der Merwe JA
Schippers JA
Mbatha JA
Phatshoane AJA
Weiner AJA

Monday: 8 November 2021

COURT A

12. The Member of the Executive Council: Department of Education, Eastern Cape and Minister of Basic Education (intervening party) v Komani School & Office Suppliers CC t/a Komani Stationers
1417/2018 (ECG)

1 7 14 15 23

Petse AP
Mocumie JA
Mbatha JA
Gorven JA
Weiner AJA

COURT B

13. Phumlani Nicholas Khathide v The State
840/2020 (KZP)

8 11 16 22 24

Molemela JA
Mokgohloa JA
Mothle JA
Phatshoane AJA
Molefe AJA

Tuesday: 9 November 2021

COURT A

14. Caxton and CTP Publishers and Printers Ltd v Novus Holding Limited
219/2021 (WCC)

1 8 12 17 25

Petse AP
Molemela JA
Plasket JA
Hughes JA
Unterhalter AJA

COURT B

15. Director of Public Prosecutions v Mfanimpela Ntokozo Zulu
1192/2018 (GP)

2 5 13 18 20

Saldulker ADP
Mathopo JA
Nicholls JA
Mabindla-Boqwana JA
Kgoele AJA

COURT C

16. Schenker South Africa (Pty) Ltd v Fujitsu Services Core (Pty) Ltd
508/2020 (GJ)

4 15 16 21 22

Dambuza JA
Gorven JA
Mothle JA
Smith AJA
Phatshoane AJA

COURT D

17. Graham Robert Herbert N O, Kevin Lawrence Cotterell N O, Dawn Earp N O, James Thokoana Motlatsi N O and Steward Straus Truswell v Senqu Municipality, Registrar of Deeds, Mthatha, Minister of Rural Development and Land Reform
742/2020 (ECM)

3 6 11 19 23

Zondi JA
Van der Merwe JA
Mokgohloa JA
Meyer AJA
Weiner AJA

Wednesday: 10 November 2021

COURT A

18. Laurent de Hauwere v The Central Authority (The Republic of South Africa) and Priscilla Huet

803/2020 and 812/2020 (GP)

2 7 12 15 17

Saldulker ADP
Mocumie JA
Plasket JA
Gorven JA
Hughes JA

COURT B

19. Afriforum NPC v The Premier of the Gauteng Province, City of Tshwane Metropolitan Municipality, Mpho Kebitsamang Nawa NO, MEC of the Co-operative Governance and Traditional Affairs, Gauteng, The Executive Council, Gauteng Province and the Minister of Co-operative Governance and Traditional Affairs

1000/2020 (GP)

3 6 9 14 19

Zondi JA
Van der Merwe JA
Makgoka JA
Mbatha JA
Meyer AJA

COURT C

20. Pauline Masib Masako v Molefe Stephens Masako and Elsepch Nomahlubi Belinda Khwinana

724/2020 (NWM)

4 10 18

Dambuza JA
Schippers JA
Mabindla-Boqwana JA

Thursday: 11 November 2021

COURT A

21. Post Office Retirement Fund V South African Post Office Soc Ltd, Minister Of Communications and Digital Technologies, South African Postal Workers Union and Democratic Postal And Communications Union

1134/2020 (GP)

1 9 12 24 25

Petse AP
Makgoka JA
Plasket JA
Molefe AJA
Unterhalter AJA

COURT B

22. Condy Mawela and Paulos Mathibela v The State
377/2021 (LP)

5 14 16 20 22

Mathopo JA
Mbatha JA
Mothle JA
Kgoele AJA
Phatshoane AJA

Friday: 12 November 2021

COURT A

23. Noxolo Victoria Nongogo v The State
852/2020 (ECM)

2 7 11 13 15

Saldulker ADP
Mocumie JA
Mokgohloa JA
Nicholls JA
Gorven JA

COURT B

**24. Arthur Ryan Lucas and Zelna Lucas v Umhlathuze Municipality and Oceans Rest 3
Body Corporate**
785/2020 (KZD)

6 8 9 10 24

Van der Merwe JA
Molemela JA
Makgoka JA
Schippers JA
Molefe AJA

Monday: 15 November 2021

COURT A

25. Azwifaneli George Mphanana v The State
1107/2020 (LP)

3 17 23 24 25

Zondi JA
Hughes JA
Weiner AJA
Molefe AJA
Unterhalter AJA

COURT B

26. The City of Cape Town v The South African Human Rights Commission, The Housing Assembly, Bulelani Qolani, The Economic Freedom Fighters, The Persons Who Currently Occupy Erf 544, Portion 1, Mfuleni (Listed in Annexure B), The Minister of Human Settlements, The Minister of Cooperative Governance and Traditional Affairs, The National Commissioner of the South African Police Service, The Minister of Police and Western Cape Provincial Commissioner: South African Police Service
144/2021 (WCC)

5 10 13 14 18

Mathopo JA
Schippers JA
Nicholls JA
Mbatha JA
Mabindla-Boqwana JA

COURT C

27. Cipla Vet (Pty) Ltd v Merial, Merial Ltd and Merial South Africa (Pty) Ltd
1068/2020 (GP)

7 8 11 20 22

Mocumie JA
Molemela JA
Mokgohloa JA
Kgoele AJA
Phatshoane AJA

Tuesday: 16 November 2021

COURT A

28. Purveyors South Africa Mine Services (Pty) Ltd v The Commissioner for the South African Revenue Service
135/2021 (GP)

1 5 10 11 24

Petse AP
Mathopo JA
Schippers JA
Mokgohloa JA
Molefe AJA

COURT B

29. Daniël Francois Malan v Die Gerhard Labuschagne Family Trust & C and C Delwerye CC
44/2021 (GP)

2 3 4 15 21

Saldulker ADP
Zondi JA
Dambuza JA
Gorven JA
Smith AJA

COURT C

**30. Former Way Trade and Invest (Pty) Ltd t/a Premier Services Station and Lee Bentz v Bright Idea Projects 66 (Pty) Ltd t/a All Fuels
1140/2020 (KZP)**

6 9 12 14 18

Van der Merwe JA
Makgoka JA
Plasket JA
Mbatha JA
Mabindla-Boqwana JA

Wednesday: 17 November 2021

COURT A

**31. Ntombifuthi Monica Zitha obo Samkelisiwe Fikile Zitha v The Member of the Executive Council for Health and Social Development of the Mpumalanga Provincial Government
1149/2020 (MM)**

3 8 17 19 23

Zondi JA
Molemela JA
Hughes JA
Meyer AJA
Weiner AJA

Thursday: 18 November 2021

COURT A

**32. Simon Roy Arcus v Jill Heneree Arcus
004/2021 (WCC)**

4 7 17 20 21

Dambuza JA
Mocumie JA
Hughes JA
Kgoele AJA
Smith AJA

COURT B

33. Golden Palace Site 3 (Pty) Ltd, Golden Palace Site 4 (Pty) Ltd and Golden Palace Site 1 (Pty) Ltd v Vukani Gaming Eastern Cape (Pty) Ltd, The Eastern Cape Gambling and

Betting Board, Pioneer Slots (Pty) Ltd, Marshalls World of Sport Eastern Cape (Pty) Ltd, K2017440277 (South Africa) (Pty) Ltd, GSlots ISO EC (Pty) Ltd, K2017425418 (Pty) Ltd, Spin and Win Entertainment Mbizana (Pty) Ltd, GEC Gaming (Pty) Ltd and Another and in the application of K2017 440277 (South Africa) (Pty) Ltd and 3 Others v Vukani Gaming Eastern Cape (Pty) Ltd and 8 Others and in the application of The Chairperson, Eastern Cape Gambling and Betting Board, The Eastern Cape Gambling and Betting Board & Vukani Gaming Eastern Cape (Pty) Ltd
1338/2019, 1366/2019 and 119/2020 (ECG)

3 10 12 24 25

Zondi JA
Schippers JA
Plasket JA
Molefe AJA
Unterhalter AJA

COURT C

34. The Trustees for the Time Being of the Burmilla Trust and Josias van Zyl v The President of the Republic of South Africa and Government of the Republic of South Africa

064/2021 (GP)

6 14 15 18 19

Van der Merwe JA
Mbatha JA
Gorven JA
Mabindla-Boqwana JA
Meyer AJA

Friday: 19 November 2021

COURT A

35. Mamolatelolo Alfred Selota v South African Legal Practice Council

658/2020 (GP)

2 5 6 11 23

Saldulker ADP
Mathopo JA
Van der Merwe JA
Mokgohloa JA
Weiner AJA

COURT B

36. Stella de Jager v Pieter Helgaard Marthinnus de Jager

1098/2020 (LP)

7 13 16 19 25

Mocumie JA
Nicholls JA
Mothle JA
Meyer AJA
Unterhalter AJA

Monday: 22 November 2021

COURT A

37. Eastern Cape Rural Development Agency and Member of the Executive Council for the Rural Development and Agrarian Reform, Province of the Eastern Cape v Agribee Fund (Pty) Ltd, Berlin Beef (Pty) Ltd and The respondents listed in schedule 1

827/2020 (GP)

2 4 5 7 12

Saldulker ADP
Dambuzza JA
Mathopo JA
Mocumie JA
Plasket JA

COURT B

38. Cornerstone Logistics (Pty) Ltd and Preston Cheslin Aitken v Zacpak Cape Town Depot (Pty) Ltd

879/2020 (WCC)

3 15 16 21 22

Zondi JA
Gorven JA
Mothle JA
Smith AJA
Phatshoane AJA

COURT C

39. The Premier of the Western Cape Province v The Public Protector and The Speaker of the Western Cape Provincial Legislature

771/2020 (GP)

6 8 10 13 18

Van der Merwe JA
Molemela JA
Schippers JA
Nicholls JA
Mabindla-Boqwana JA

Tuesday: 23 November 2021

COURT A

40. William France Masinga, Rirhandzu Joy Khosa & 33 Others v The Chief of the South African National Defence Force, The Minister of Defence and Military Veterans, The Surgeon General of the South African National Defence Force & The Secretary of Defence

051/2021 (GP)

1 9 10 13 18

Petse AP
Makgoka JA
Schippers JA
Nicholls JA
Mabindla-Boqwana JA

COURT B

41. Bool Smuts and Landmark Leopard and Predator Project – South Africa v Herman Botha

887/2020 (ECP)

3 5 12 14 25

Zondi JA
Mathopo JA
Plasket JA
Mbatha JA
Unterhalter AJA

COURT C

42. Eskom Holdings SOC Ltd v Lekwa Local Municipality, The National Energy Regulator of South Africa (NERSA), The Minister of Energy, The Premier of Mpumalanga and The MEC: COGTA, Mpumalanga

And

Eskom Holding SOC Ltd v Vaal River Development Association (Pty) Ltd, Ngwathe Local Municipality, The National Energy Regulator of South Africa (NERSA), The Minister of Energy, The Premier of the Free State and The MEC: COGTA, Free State

870/2020 (GP)

4 6 15 19 20

Dambuza JA
Van der Merwe JA
Gorven JA
Meyer AJA
Kgoele AJA

Wednesday: 24 November 2021

COURT A

43. Flower Foundation Pretoria Homes for the Aged NPC v Registrar of Deeds, Pretoria, Susanetta Danie Smith N O, Gertruida Magdalena Botha N O, Johannes Petrus Wilhelm Smith N O and Sybrand Albertus Tintinger N O
942/2020 (GP)

2 7 8 11 19

Saldulker ADP
Mocumie JA
Molemela JA
Mokgohloa JA
Meyer AJA

COURT B

44. Oppressed ACSA Minority 1 (Pty) Ltd (Formerly known as African Harvest Strategic Investments (Pty) Ltd and Up-Front Investments 65 (Pty) Ltd v Government of the Republic of South Africa, Minister of Transport, Airports Company of South Africa SOC Ltd, Pybus Thirty-Four (Pty) Ltd, Airports Management Share Incentive Scheme Company (Pty) Ltd, Lexshell 342 Investment Holdings (Pty) Ltd, Telle Investments (Pty) Ltd, ADR International Airports South Africa (Pty) Ltd, G10 Investments (Pty) Ltd and Minister of Finance
898/2020 (GJ)

4 9 10 12 15

Dambuza JA
Makgoka JA
Schippers JA
Plasket JA
Gorven JA

COURT C

Thursday: 25 November 2021

COURT A

45. Mbemba Pierre Mahinga v Minister of Home Affairs and Director-General Home Affairs
1027/2020 (GP)

3 15 18 19 24

Zondi JA
Gorven JA
Hughes JA
Meyer AJA
Molefe AJA

COURT B

**46. Sagadava Naidoo and Odora Trading CC v The Dube Tradeport Corporation, Sivaraj Naidoo and The Registrar of Deeds, Pietermaritzburg
972/2020 (KZD)**

7 9 16 18 23

Mocumie JA
Makgoka JA
Mothle JA
Mabindla-Boqwana JA
Weiner AJA

Friday: 26 November 2021

COURT A

**47. Eskom Holdings SOC Limited v Letsemeng Local Municipality, The National Energy Regulator of South Africa (NERSA), Minister of Energy, Minister of Public Enterprise and The MEC: Department of Cooperative Governance, Human Settlements and Traditional Affairs, Free State Province
990/2020 (FB)**

2 10 12 21 22

Saldulker ADP
Schippers JA
Plasket JA
Smith AJA
Phatshoane AJA

Monday: 29 November 2021

COURT A

**48. City of Tshwane Metropolitan Municipality v Brooklyn Edge (Pty) Ltd and Pivot Property Development (Pty) Ltd
928/2020 (GP)**

5 6 13 14 21

Mathopo JA
Van der Merwe JA
Nicholls JA
Mbatha JA
Smith AJA

COURT B

COURT C

Tuesday: 30 November 2021

COURT A

**49. Frannero Property Investments 202 (Pty) Ltd v Clement Phutiselapa, Dimakatso Semela, Khensandi Mabunda, George Ngoveni, Freddy Rapao, Sylvia Mabunda, Unlawful Occupiers of Portion 35 of the Farm Waterval 306, Registration Division JQ, North West Province, Rustenburg Local Municipality, Department of Rural Development and Reform, The Department of Local Government and Human Settlement
222/2020 (NWM)**

4 16 19 21 23

Dambuza JA
Mothle JA
Meyer AJA
Smith AJA
Weiner AJA

COURT B**COURT C**