

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

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



**FINAL ROLL
FEB/MARCH 2022**

(1 December 2021)

JUDGES - FEB/MARCH 2022

- 1 Maya P
- 2 Petse DP
- 3 Saldulker JA
- 4 Zondi JA
- 5 Dambuza JA
- 6 Mathopo JA
- 7 Van der Merwe JA
- 8 Mocumie JA
- 9 Molemela JA
- 10 Makgoka JA
- 11 Schippers JA
- 12 Mokgohloa JA
- 13 Plasket JA
- 14 Dlodlo JA
- 15 Nicholls JA
- 16 Mbatha JA
- 17 Gorven JA
- 18 Carelse JA
- 19 Mothle JA
- 20 Hughes JA
- 21 Tsoka AJA
- 22 Musi AJA
- 23 Meyer AJA
- 24 Matojane AJA
- 25 Smith AJA

Tuesday: 15 February 2022

COURT A

1. Sandile Biyela v Minister of Police

1017/2020 (KZP)

6 12 14 22 24

Mathopo JA
Mokgohloa JA
Dlodlo JA
Musi AJA
Matojane AJA

COURT B

2. Sibongile Lumphumlo Mpuqe v The State

053/2021 (WCC)

9 16 18 19 25

Molemela JA
Mbatha JA
Carelse JA
Mothle JA
Smith AJA

AND

3. Lucky Thomas Khumalo v The State

723/2020 (GP)

9 16 18 19 25

Molemela JA
Mbatha JA
Carelse JA
Mothle JA
Smith AJA

Wednesday: 16 February 2022

COURT A

4. Peermont Global (North West) (Pty) Ltd v Chairperson of the North West Gambling Review Tribunal, North West Gambling Review Tribunal, Chairperson of the North West Gambling Board, North West Gambling Board, Jonoforce (Pty) Ltd, Pioneer Bingo (North West) (Pty) Ltd, Latiano 560 (Pty) Ltd, Eliocube (Pty) Ltd and Metro Gaming and Entertainment (Pty) Ltd

1040/2020 (NWM)

AND

5. Galaxy Bingo Moruleng (Pty) Ltd (previously called Metro Gaming and Entertainment (Pty) Ltd) and Galaxy Bingo North West (RF) (Pty) Ltd v North West Gambling Board, Chairperson of the North West Gambling Board, Chairperson of the North West Gambling Review Tribunal N O, Dennis Makhari N O, Amos Vilakazi N O, Jonoforce (Pty) Ltd and MEC for Finance, Economy & Enterprise Development, North West

1055/2020 (to be heard with case nos: 1040/2020 and 1056/2020) (NWM)

AND

6. Galaxy Bingo Moruleng (Pty) Ltd (previously called Metro Gaming and Entertainment (Pty) Ltd) v North West Gambling Board, Chairperson of the North West Gambling Board, Chairperson of the North West Gambling Review Tribunal N O, Dennis Makhari N O, Amos Vilakazi N O, Latiano 560 (Pty) Ltd t/a Goldrush Bingo North West - Mafikeng and MEC for Finance, Economy & Enterprise Development, North West

1056/2020 (to be heard with case nos: 1040/2020 and 1055/2020) (NWM)

1 10 13 17 22

Maya P
Makgoka JA
Plasket JA
Gorven JA
Musi AJA

COURT B

7. Minister of Police v Xolile Mzingeli, Luthando Ndayi and Mpumezo Xabadiya

115/2021 (ECM)

2 5 7 20 21

Petse DP
Dambuza JA
Van der Merwe JA
Hughes JA
Tsoka AJA

COURT C

8. David Papiki Komane v The State

051/2019 (LP)

4 9 16 24 25

Zondi JA
Molemela JA
Mbatha JA
Matojane AJA

Thursday: 17 February 2022

COURT A

**9. Peermont Global (North West) (Pty) Ltd v Chairperson of the North West Gambling Review Tribunal, North West Gambling Review Tribunal, Chairperson of the North West Gambling Board, North West Gambling Board, Jonoforce (Pty) Ltd, Pioneer Bingo (North West) (Pty) Ltd, Latiano 560 (Pty) Ltd, Eliocube (Pty) Ltd and Metro Gaming and Entertainment (Pty) Ltd
1040/2020 (NWM)**

AND

**10. Galaxy Bingo Moruleng (Pty) Ltd (previously called Metro Gaming and Entertainment (Pty) Ltd) and Galaxy Bingo North West (RF) (Pty) Ltd v North West Gambling Board, Chairperson of the North West Gambling Board, Chairperson of the North West Gambling Review Tribunal N O, Dennis Makhari N O, Amos Vilakazi N O, Jonoforce (Pty) Ltd and MEC for Finance, Economy & Enterprise Development, North West
1055/2020 (to be heard with case nos: 1040/2020 and 1056/2020) (NWM)**

AND

**11. Galaxy Bingo Moruleng (Pty) Ltd (previously called Metro Gaming and Entertainment (Pty) Ltd) v North West Gambling Board, Chairperson of the North West Gambling Board, Chairperson of the North West Gambling Review Tribunal N O, Dennis Makhari N O, Amos Vilakazi N O, Latiano 560 (Pty) Ltd t/a Goldrush Bingo North West - Mafikeng and MEC for Finance, Economy & Enterprise Development, North West
1056/2020 (to be heard with case nos: 1040/2020 and 1055/2020) (NWM)**

1 10 13 17 22

Maya P
Makgoka JA
Plasket JA
Gorven JA
Musi AJA

COURT B**12. Department of Labour: The Compensation Commissioner v Roebel Stephanus****Botha****326/2020 (GP)****2 11 15 18 23**

Petse DP
Schippers JA
Nicholls JA
Carelse JA
Meyer AJA

COURT C**13. Minister of Police and The National Director of Public Prosecutions v Edward****Alberto Erasmus****336/2021 (ECG)****5 7 8 19 21**

Dambuza JA
Van der Merwe JA
Mocumie JA
Mothle JA
Tsoka AJA

Friday: 18 February 2022

COURT A**14. Marshall Alberts, Jerome Arnolds, Robert Atties, Thanduxolo Baatjies, Simphiwe Befile, Thombelani Bishini, Mabuthi Blaauw, Thembinkosi Sidwell Bless, Lucky Bokwana, Ndumiso Bongo and 128 others v Minister of Justice and Correctional Services****404/2021 (ECP)****3 4 10 13 17**

Saldulker JA
Zondi JA
Makgoka JA
Plasket JA
Gorven JA

COURT B**15. IGS Consulting Engineers CC and Turnmill Proquip Engineers (Pty) Ltd v****Transnet SOC Ltd****198/2020 (GJ)****5 6 11 15 21**

Dambuza JA
Mathopo JA

Schippers JA
Nicholls JA
Tsoka AJA

COURT C**16. Rasimate Samuel Baloyi v The State****739/2021 (LP)****8 18 19 20 25**

Mocumie JA
Carelse JA
Mothle JA
Hughes JA
Smith AJA

Monday: 21 February 2022**COURT A****17. Yolanda Dyantyi v Rhodes University, Sizwe Mabizela N O and Wayne****Hutchinson N O****846/2020 (ECG)****3 7 15 20 24**

Saldulker JA
Van der Merwe JA
Nicholls JA
Hughes JA
Matojane AJA

COURT B**18. Astral Operations Ltd t/a County Fair Foods, Pioneer Foods (Pty) Ltd t/a Tydstroom Poultry and Bottelfontein Action Group v The Minister for Local Government, Environmental Affairs and Development Planning (Western Cape), The City of Cape Town and The Minister for Environmental Affairs, Forestry and Fisheries****1104/2020 (WCC)****4 9 14 17 22**

Zondi JA
Molemela JA
Dlodlo JA
Gorven JA
Musi AJA

Tuesday: 22 February 2022**COURT A****19. HLB International (South Africa) (Pty) Ltd v MWRK Accountants and Consultants (Pty) Ltd**

113/2021 (GP)

2 4 10 13 23

Petse DP
Zondi JA
Makgoka JA
Plasket JA
Meyer AJA

COURT B

20. Deidre Vanessa Le Hanie, Liebenberg Dawid Ryk van der Merwe, Marius Vermeulen, Keith Noel Kennedy, Steven James Mushet, Leslie William Lange, James Adriaan Vlok and Americo Carneiro v Roy Edward Glasson, Cynthia Arlene Glasson, Michael Bruce Heath, Linda Lewis and Eagle Canyon Golf Estate Home Owners Association NPC

214/2021 (GJ)

6 12 16 19 21

Mathopo JA
Mokgohloa JA
Mbatha JA
Mothle JA
Tsoka AJA

COURT C

21. Johannes G Coetzee & Seuns and Daniel Cornelius Coetzee v Pieter Paul Le Roux and Johanna Catharina Le Roux

969/2020 (NCK)

8 11 14 18 20

Mocumie JA
Schippers JA
Dlodlo JA
Carelse JA
Hughes JA

Wednesday: 23 February 2022

COURT A

22. Sekoko Mametja Incorporated Attorneys v Fetakgomo Tubatse Local Municipality

60/2021 (LP)

2 7 14 16 17

Petse DP
Van der Merwe JA
Dlodlo JA
Mbatha JA
Gorven JA

COURT B

23. Susara Magrietha Strohmenger v Schalk Willem Victor and The Registrar of Deeds

1133/2020 (NCK)

3 6 10 12 24

Saldulker JA
Mathopo JA
Makgoka JA
Mokgohloa JA
Matojane AJA

COURT C

24. Timothy Maluleke N O (In his capacity as trustee of the Hlaniki Trust, IT 1101/07) v Daniel Phellimo Sibanyoni, City of Tshwane Metropolitan Municipality and The Director-General: The Department of Rural Development and Land Reform

1012/2020 (LCC)

8 9 18 22 25

Mocumie JA
Molemela JA
Carelse JA
Musi AJA
Smith AJA

Thursday: 24 February 2022

COURT A

25. Central Energy Fund SOC Ltd and Strategic Fuel Fund Association NPC v Venus Rays Trade (Pty) Ltd, Glencore Energy (UK) Ltd, Taleveras Petroleum Trading DMCC, Contango Trading SA, Natixis SA, Vesquin Trading (Pty) Ltd, Vitol Energy (SA) (Pty) Ltd, Vitol SA, Minister of Energy and Minister of Finance (Organisation Undoing Tax Abuse as amicus curiae in court a quo)

119/2021 (WCC)

1 5 11 13 23

Maya P
Dambuza JA
Schippers JA
Plasket JA
Meyer AJA

COURT B

26. Mashao John Thepanyega N O, Ephraim Setlabane Ramohlale N O, Lesole Johannes Thepanyekga N O, Madumetsa Solomon Machete N O, Mosima Jeaneta Baloyi N O, Kgobodi Jackson Mankga N O, Ngwako Frans Mamaribe N O,

Ngaletjane Claas Ramaphoko N O, Pheeha Frans Ramohlale N O, Chippa Daniel Ramohlale and Others (in their capacity as the Trustees for the time being of the Madibeng-Letupi Community Trust Registration Number: IT9094/2006) v Herman Letsoalo, Seja Letsoalo and Frans Kwete Ramotihane
73/2021 (LP)

3 4 20 22 25

Saldulker JA
Zondi JA
Hughes JA
Musi AJA
Smith AJA

COURT C

27. Kwinana Thabo Sindisa, Kwinana N O Thabo Sindisa and Mapipa N O Zolisile Mteteleli v Ngonyama Lulama Smuts, Ngonyama N O Nokwazi Nokwazelela, Ngonyama N O Khanya Malungelo and Ngonyama N O Qhawe Hlomelo
103/2021 (GJ)

6 7 15 21 24

Mathopo JA
Van der Merwe JA
Nicholls JA
Tsoka AJA
Matojane AJA

Friday: 25 February 2022

COURT A

28. Municipal Employees Pension Fund and Akani Retirement Fund Administrators v Pandelani Midas Mudau and Vhembe District Municipality
1159/2020 (GP)

5 7 18 19 25

Dambuza JA
Van der Merwe JA
Carelse JA
Mothle JA
Smith AJA

COURT B

29. Frank Mhlongo, Riebs Khoza, Doctor Sibuyi and Patrick Jones v Tryphinah Mokoena N O, Nomsa Muhlawuri Manyike N O, Madoda Isaac Tjie N O, Tobani Michael Khoza N O, Themba Tibane N O, Master of the High Court, Gauteng Local Division, Pretoria, Attorney Richard Spoor of the firm Richard Spoor Attorneys Inc., Attorney Wiekus du Toit of the firm WDT Attorneys and Attorney

**Errol Goss of the firm Goss Attorneys and The Regional Land Claims
Commissioner, Mpumalanga
865/2020 (GP)**

8 9 10 16 22

Mocumie JA
Molemela JA
Makgoka JA
Mbatha JA
Musi AJA

COURT C

Monday: 28 February 2022

COURT A

**30. TMT Services and Supplies (Pty) Ltd t/a Traffic Management Technologies v
The MEC: Department of Transport, Province of KwaZulu-Natal, The Premier
of the Province of KwaZulu-Natal, The MEC: Department of Treasury, Province
of KwaZulu-Natal, The Head of Department: Department of Transport,
KwaZulu-Natal and MTM KZN Traffix (Pty) Ltd
1059/2020 (WCC)**

3 11 13 20 24

Saldulker JA
Schippers JA
Plasket JA
Hughes JA
Matojane AJA

COURT B

**31. Heidi Nicole Koch N O and Heidi Nicole Koch v The Ad Hoc Central Authority
for the Republic of South Africa and Paul Graham Ball
188/2021 (WCC)**

4 12 15 18 19

Zondi JA
Mokgohloa JA
Nicholls JA
Carelse JA
Mothle JA

COURT C

**32. Tee Que Trading Services (Pty) Ltd v Oracle Corporation South Africa (Pty)
Ltd and South African Post Office
65/2021 (GP)**

6 8 14 23 25

Mathopo JA
Mocumie JA
Dlodlo JA
Meyer AJA
Smith AJA

Tuesday: 01 March 2022

COURT A

33. Advertising Regulatory Board NPC, Colgate-Palmolive (Pty) Ltd and Colgate-Palmolive Company v Bliss Brands (Pty) Ltd

786/2021 (GJ)

2 11 13 20 24

Petse DP
Schippers JA
Plasket JA
Hughes JA
Matojane AJA

COURT B

34. Rustenburg Platinum Mines Limited and Arm Mining Consortium Limited v Regional Manager, Limpopo Region: Department of Mineral Resources, Deputy Director General: Mineral Regulation Department of Mineral Resources, Minister of Mineral Resources, Genorah Resources (Pty) Ltd, Director-General: Department of Mineral Resources, Nkwe Platinum South Africa (Pty) Ltd, International Goldfields Limited, B M Sekhukhune N O, Bauba-A-Hlabirwa Mining Investment (Pty) Ltd and Nkwe Platinum Limited

1109/2020 (GP)

5 7 15 16 23

Dambuza JA
Van der Merwe JA
Nicholls JA
Mbatha JA
Meyer AJA

COURT C

35. Democratic Alliance v Ntombenhle Rulumeni

88/2021 (ECL)

6 8 10 12 21

Mathopo JA
Mocumie JA
Makgoka JA
Mokgohloa JA
Tsoka AJA

Wednesday: 02 March 2022

COURT A

COURT B

COURT C

Thursday: 03 March 2022

COURT A

36. Minister of Cooperative Governance and Traditional Affairs and President of the Republic of South Africa v British American Tobacco South Africa (Pty) Ltd, JT International South Africa (Pty) Ltd, Melinda Ferguson, Keogile Molobi, Limpopo Tobacco Processors (Pty) Ltd, South African Tobacco Transformation Alliance NPC, Black Tobacco Farmers Association, Suider Afrika Agri Inisiatief NPC, South African Informal Traders Alliance and LA Toscana Investments CC t/a JJ Cale Tobacconists
309/2021 (WCC)

1 4 7 11 12

Maya P
Zondi JA
Van der Merwe JA
Schippers JA
Mokgohloa JA

COURT B

37. Limpopo Economic Development Agency (LEDA) v Johannes Frederick Klopper N O, Christopher Raymond Rey N O, Liebenberg Dawid Ryk van der Merwe N O, Lebogane Mpakati N O, Dilokong Chrome Mine (Pty) Ltd (DCM), ASA Metals (Pty) Ltd (ASA), Eastern Asia Metal Investment Co Ltd (EAMI), Minister of Mineral Resources, Director-General: Department of Mineral Resources (DMR), Regional Manager, Limpopo Region of the DMR and Cheetah Chrome South Africa (Pty) Ltd
982/2020 (GJ)

2 13 16 18 22

Petse DP
Plasket JA
Mbatha JA
Carelse JA
Musi AJA

COURT C

38. Anthony Fay v Sharon Clare Fay

788/2020 (KZD)

5 6 9 10 19

Dambuza JA
Mathopo JA
Molemela JA
Makgoka JA
Mothle JA

Friday: 04 March 2022

COURT A

39. RTS Industries, CGC Industries (Pty) Ltd, Christiaan Arnoldus Kurtz, Carl William Richter and C-Quiptech (Pty) Ltd v Technical Systems (Pty) Ltd and Lavirco Beleggings (Pty) Ltd

145/2021 (WCC)

2 4 12 14 17

Petse DP
Zondi JA
Mokgohloa JA
Dlodlo JA
Gorven JA

COURT B

40. Suresh Chanderbhan Mirchandani v Unica Iron & Steel (Pty) Ltd

802/2020

and

Unica Iron & Steel (Pty) Ltd v Suresh Chanderbhan Mirchandani

813/2020 (GP)

3 8 16 19 21

Saldulker JA
Mocumie JA
Mbatha JA
Mothle JA
Tsoka AJA

COURT C

41. Imobrite (Pty) Ltd v DTL Boerdery CC

1007/2020 (NWM)

7 9 10 18 22

Van der Merwe JA
Molemela JA
Makgoka JA
Carelse JA
Musi AJA

Monday: 07 March 2022

COURT A

42. Ralph Farrel Lutchman N O, Cloete Murray N O, Tania Oosthuizen N O, Marianne Oelofsen N O (in their capacities as the joint provisional liquidators of African Global Operations (Pty) Ltd, in liquidation) and 35 Others, and Commissioner for the South African Revenue Service v African Global Holdings (Pty) Ltd, Sun Worx (Pty) Ltd and Kgwerano Financial Services (Pty) Ltd 1088/2020 (to be heard with case nos: 1108/2020 and 1135/2020) (GJ)

3 9 17 23 25

Saldulker JA
Molemela JA
Gorven JA
Meyer AJA
Smith AJA

AND

43. African Global Holdings (Pty) Ltd, Sun Worx (Pty) Ltd and Kgwerano Financial Services (Pty) Ltd v Ralph Farrel Lutchman N O, Cloete Murray N O, Tania Oosthuizen N O, Marianne Oelofsen N O (in their capacities as the joint provisional liquidators of African Global Operations (Pty) Ltd, in liquidation) and 35 Others (and Commissioner for the South African Revenue Service intervening) 1135/2020 (to be heard with case nos: 1088/2020 and 1108/2020) (GJ)

3 9 17 23 25

Saldulker JA
Molemela JA
Gorven JA
Meyer AJA
Smith AJA

COURT B

44. Narius Moloto v The Pan Africanist Congress of Azania 1176/2019 (GP)

6 8 14 20 24

Mathopo JA
Mocumie JA
Dlodlo JA
Hughes JA
Matojane AJA

COURT C

45. Minister of Health and South African Health Products Regulatory Authority v Alliance of Natural Health Products (South Africa) 256/2021 (GP)

7 11 12 15 21

Van der Merwe JA
Schippers JA
Mokgohloa JA
Nicholls JA
Tsoka AJA

Tuesday: 08 March 2022

COURT A

46. Nedbank Limited v Houtbosplaas (Pty) Limited and TBS Alpha Beleggings (Pty) Limited
164/2021 (GP)

2 4 6 17 21

Petse DP
Zondi JA
Mathopo JA
Gorven JA
Tsoka AJA

COURT B

47. Johannes Brits v Kommandantsdrift CC, Nico le Roux and Registrar of Deeds, Cape Town
143/21 (WCC)

3 14 20 22 24

Saldulker JA
Dlodlo JA
Hughes JA
Musi AJA
Matojane AJA

COURT C

48. Loskop Landgoed Boedery (Pty) Ltd, W A Pieters, Riaan Pieters v Petrus Moeleso, David M Mofokeng, Maki Moeleso and Nini Mabe
390/2020 (LCC)

7 8 15 16 18

Van der Merwe JA
Mocumie JA
Nicholls JA
Mbatha JA
Carelse JA

Wednesday: 09 March 2022

COURT A

49. Commissioner for the South African Revenue Service v Sasol Chevron Holdings Limited
1044/2020 (GP)

2 4 8 20 23

Petse DP
Zondi JA
Mocumie JA
Hughes JA
Meyer AJA

COURT B

50. Petrus Johannes Bestbier (both in his personal capacity and in his representative capacity as trustee of the Goede Hoop Trust IT1333/94), Hanlie Bestbier N O, Carel Brink Bestbier N O and Frans Stefanus Botes N O v Nedbank Limited
150/21 (WCC)

3 9 12 14 19

Saldulker JA
Molemela JA
Mokgohloa JA
Dlodlo JA
Mothle JA

COURT C

51. Kgoro Consortium (Pty) Ltd and Regiments Capital (Pty) Ltd (in liquidation) v Cedar Park Properties 39 (Pty) Ltd (in liquidation), Vantage Mezzanine Fund II Partnership and City of Johannesburg Metropolitan Municipality
935/2020 (GJ)

7 13 16 18 24

Van der Merwe JA
Plasket JA
Mbatha JA
Carelse JA
Matojane AJA

Thursday: 10 March 2022

COURT A

52. The Premier, Province of the Eastern Cape, The executive council for the Province of the Eastern Cape The MEC for Cooperative Governance and Traditional Affairs, Province of the Eastern Cape, The MEC for Treasury, Economic Development and Tourism, Province of the Eastern Cape v The Unemployed People's Movement, The National Council of Provinces, The Minister of Cooperative Governance and Traditional Affairs, The Minister of Finance, Makana Municipality, The Executive Mayor, Makana Municipality: Mr Mphalwa, Municipal Manager, Makana Municipality, The South African Local

Government Association, The South African Municipal Workers Union, The Independent Municipal and Allied Trade Union and the President of the Republic of South Africa
995/2020 (ECG)

1 5 13 23 25

Maya P
Dambuza JA
Plasket JA
Meyer AJA
Smith AJA

COURT B

53. Commissioner for the South African Revenue Service v Capitec Bank Limited
94/2021 (Tax Court)

6 8 10 11 22

Mathopo JA
Mocumie JA
Makgoka JA
Schippers JA
Musi AJA

COURT C

54. Lloyd Eugene Hendricks v The Church of the Province of Southern Africa, Diocese of Free State
108/2021 (FB)

9 15 16 19 24

Molemela JA
Nicholls JA
Mbatha JA
Mothle JA
Matojane AJA

Friday: 11 March 2022

COURT A

COURT B

COURT C

Monday: 14 March 2022

COURT A

COURT B**COURT C**

Tuesday: 15 March 2022

COURT A

55. WK Construction (Pty) Limited v Moores Rowland, Mazars Moores Rowland and Mazars

952/2020 (KZD)

2 15 17 20 21

Petse DP
Nicholls JA
Gorven JA
Hughes JA
Tsoka AJA

COURT B

56. Simon Songo v Minister of Police, National Director of Public Prosecutions & Minister of Justice and Correctional Services

220/2021 (GP)

3 6 9 12 14

Saldulker JA
Mathopo JA
Molemela JA
Mokgohloa JA
Dlodlo JA

COURT C

Wednesday: 16 March 2022

COURT A

57. Waylan Abdullah v The State

134/2021 (WCC)

8 11 15 21 23

Mocumie JA
Schippers JA
Nicholls JA
Tsoka AJA
Meyer AJA

COURT B

COURT C

Thursday: 17 March 2022

COURT A

COURT B

COURT C

Friday: 18 March 2022

COURT A

COURT B

COURT C

Monday: 21 March 2022

COURT A

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COURT C

Tuesday: 22 March 2022

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Friday: 25 March 2022

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Monday: 26 March 2022

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Tuesday: 27 March 2022

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COURT C

Wednesday: 28 March 2022

COURT A

COURT B

COURT C

Thursday: 29 March 2022

COURT A

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COURT C

Friday: 30 March 2022

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COURT B

COURT C