



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 7 October 2025

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

Khamusi Shonisani Mudau-Mamode v Vhuhwavho Denge (602/2024) [2025] ZASCA 145 (7 October 2025)

Today, the Supreme Court of Appeal (SCA) delivered a judgment striking the appeal from the roll. This appeal served before the SCA by way of special leave granted by this Court on 22 May 2024. Mr Khamusi Shonisani Mudau-Mamode (the appellant) initially sought Mr Vhuhwavho Denge's (the respondent's) eviction from the property described as Erf 760 Tshisaulu. During the proceedings before the Regional Court in the Regional Division of Limpopo, Sibasa (the regional court), the appellant brought an application in terms of Magistrates' Court rule 55(1)(k) to have the matter referred to oral evidence due to alleged factual disputes. The regional court dismissed that application and thereafter proceeded on the papers and dismissed the eviction application with costs.

On appeal, the Limpopo Division of the High Court, Thohoyandou (high court) upheld the regional court's decision, finding no misdirection in refusing the referral to oral evidence. The appellant then approached the SCA.

The issues on appeal were whether the regional court misdirected itself in refusing the appellant's application and whether the high court misdirected itself in upholding the regional court's decision.

The SCA noted that the only order under appeal was the refusal to refer the matter to oral evidence, not the dismissal of the eviction application itself. The Court observed that setting aside the referral decision would have no practical effect since the eviction order which is final is not appealed against. The Court therefore held the appeal to be moot, as its resolution would not change the outcome.

As a result, the appeal was struck from the roll with no order as to costs, given that neither party had raised mootness in argument.

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