



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: 17 December 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

Collins Letsoalo and Another v Mothusi Lukhele (332/2023) [2025] ZASCA 195 (17 December 2025)

Background The Supreme Court of Appeal (SCA) today dismissed an application for the reconsideration of an order refusing leave to appeal. The application was brought by Mr. Collins Letsoalo and the Road Accident Fund (RAF) (the applicants) against a judgment of the Gauteng Division of the High Court, Pretoria.

The dispute originated from a fixed-term employment contract between the RAF and the respondent, Mr. Mothusi Lukhele. Mr. Lukhele was appointed as a Senior IT Advisor for a period of 36 months, commencing on 4 August 2021 and stipulated to terminate on 31 July 2024.

On 5 November 2021, the RAF terminated Mr. Lukhele's employment. Following an urgent application by Mr. Lukhele, the High Court (per Sardiwalla J) granted an interim order suspending the termination pending the finalization of a review application. The applicants subsequently sought to set aside this order, but their application was dismissed by the High Court (per Ceylon AJ) on 1 August 2022.

The applicants sought leave to appeal Ceylon AJ's judgment, arguing that the High Court erred in its findings regarding service and wilful default. Leave to appeal was refused by both the High Court and the SCA on petition. The applicants then applied for a reconsideration of the SCA's refusal under section 17(2)(f) of the Superior Courts Act 10 of 2013.

The Decision The SCA identified that the determination of the matter turned on a single issue: mootness. The Court noted that the employment contract at the heart of the dispute expired on 31 July 2024. The relief originally granted by the High Court was interim in nature, intended to preserve the status quo of the employment relationship only until the main dispute was resolved. Because the fixed term of the contract has now lapsed, that status quo no longer exists and cannot be revived.

The Court held that courts exist to determine live disputes that result in orders with practical effect. Citing section 16(2)(a)(i) of the Superior Courts Act, the Court confirmed that an appeal may be dismissed if the decision sought will have no practical result. Even if the applicants were successful in their appeal, the outcome would be academic as the employment period has already finished.

Consequently, the Court found that no "grave failure of justice" would result from refusing the reconsideration, as required by the Act for such applications.

Order The application for reconsideration was dismissed with costs.

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