



THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 28 March 2014
Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

**BAPEDI MAROTA MAMONE V THE COMMISSION OF TRADITIONAL
LEADERSHIP DISPUTES AND CLAIMS**

The Supreme Court of Appeal (SCA) today unanimously dismissed an appeal against the judgment of the North Gauteng High Court (Makgoba J) dismissing an application for the review, setting aside and remittal for reconsideration of a decision taken by the first respondent, the Commission of Traditional Leadership Disputes and Claims (the commission).

The commission initiated an investigation for the Sekhukhune and Mampuru Royal Houses, to trace the history of the Bapedi lineage and kingship and to determine whether the paramountcy of the Bapedi had been established in accordance with the relevant customary laws.. At the conclusion of its investigations, the commission concluded inter alia that the Bapedi paramountcy is a kingship and that the kingship resorts under the lineage of the Sekhukhune, The Mampuru royal house took issue with the latter finding.

Consequently, the appellant launched review proceedings under the Promotion of Administrative Justice Act 3 of 2000 in the high court. It sought an order for the commission to reconsider the decision, alternatively declaratory relief vesting the kingship in it and

declaring Kgoshi Mampuru Mampuru to be the king of Bapedi. The application was premised on the grounds that the decision of the commission regarding the choice of lineage of the kingship of Bapedi was taken without consideration of all the material evidence placed before it and bore no rational connection to the information before it or to the reasons given for it. The high court, having found no fault with the commission's findings and decision, dismissed the application.

On appeal, the SCA held that the appellant had failed to prove that the commission ignored any relevant evidence; that there is no basis on the record to conclude that the commission's decision was not rationally connected to the information before it or the reasons given by it as the court below found; and that the appellant's contention that the court below blindly deferred to the commission was equally without basis.