

REPUBLIC OF SOUTH AFRICA**SUPREME COURT OF APPEAL****BULLETIN 3 OF 2025****CASES ENROLLED FOR HEARING: AUGUST COURT TERM**

1. Adriaan Willem Van Rooyen N O (in the capacity nomine officio as the duly appointed joint liquidator in the insolvent estate of Tumi Mokwena Incorporated) and MMabatho Shelly Motimele N O (in the capacity nomine officio as the duly appointed joint liquidator in the insolvent estate of Tumi Mokwena Incorporated) v Mokgadi Francina Mokwena N O (in her capacity as trustee of the Dikwenanyana Trust: IT255/2017L) and The Trustees from Time to Time of the Dikwenanyana Trust IT255/2017L

63/2023

Appealed from: LP

Date to be heard: 15 August 2025

Dambuza JA, Mokgohloa JA, Weiner JA, Baartman JA, Kubushi AJA

Law of Trust – insolvency and sequestration of trust – piercing of the trust veneer – whether the appellants possess locus standi to apply for the sequestration of the Dikwenanyana Trust IT255/2017L (the Trust) – whether the Trust should be sequestrated – whether the Trust is the alter ego of Tumi Mokwena Incorporated and/or Mr Mokwena – whether in the facts of the matter the trust veneer ought to be pierced.

2. Faheem Osman v Tasneem Kariem

339/2024

Appealed from: WCC

Date to be heard: 15 August 2025

Makgoka JA, Goosen JA, Smith JA, Keightley JA, Modiba AJA

Property Law – Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 – sale agreement – whether the appellant intended to sell his half share in the property to the respondent (his erstwhile wife) and to permanently divest ownership thereof – whether the sale was what it purported to be – whether the respondent’s evidence lacked credibility and reliability and was improbable – whether the appellant is a co-owner of the immovable property, registered in the name of the respondent – whether the respondent is entitled to an eviction order against the appellant.

3. The South African Legal Practice Council v Johann Oosthuizen

1258/2023

Appealed from: FB

Date to be heard: 15 August 2025

Meyer JA , Molefe JA, Kgoele JA, Coppin JA, Chili AJA

Civil procedure – sanction – Legal Practice Act 28 of 2014 – what is the legal status and effect of the sanction imposed by the Legal Practice Council’s disciplinary committee in as far as the respondent’s suspension from practice is concerned – whether the sanction was meant to be final and if so, is the sanction binding and does it have any legal consequences – whether the sanction created any legal rights and obligations – whether it vested any rights in the respondent with the effect that it could not be revoked or varied by the LPC under the Legal Practice Act 28 of 2014 – taking into account the Court’s inherent disciplinary powers over legal practitioners as well as the provisions of s 44 of the LPA - whether the court a quo was precluded from deciding on the conduct of the respondent until the sanction was taken on review and set aside.

4. Groundswell Developments Africa (Pty) Ltd, Jean Pierre Nortje and Horizon Group (Pty) Ltd v Catherine Judy Brown

899/2024

Appealed from: WCC

Date to be heard: 15 August 2025

Petse JA, Mbha JA, Dlodlo JA

Reconsideration application – application in terms of section 17(2)(f) of the Superiors Courts Act 10 of 2013 – whether the respondent was prejudiced by the applicant’s failure to deliver a founding affidavit together with the application for reconsideration timeously causing the President of the Supreme Court of Appeal not to have all the facts before her when she referred the matter to this Court for reconsideration – whether the first and third applicants may be represented by the second applicant in this matter – whether Annexures E to K attached to the founding affidavit in the application for leave to appeal should be struck out – what the threshold is that the applicants have to meet for this Court to overrule or vary the decision of the to dismiss the application for leave to appeal – whether the applicants met the abovementioned threshold regard being had to the fact that a Court must be convinced on proper grounds that there is a reasonable prospect or realistic chance of success on appeal or any other compelling reason for the appeal to be heard – whether the personal attacks by the

applicants on the integrity of the judge and the legal representatives of the respondent is justified or should be permitted, or not.

Contract Law – Property Law – whether the transcribed record of the arguments in the court a quo included in the record of appeal without permission of the respondent should be struck out – whether the second appellant should be permitted to represent the first and third appellants in these proceedings – what the status of the agreement of sale concluded between first appellant and respondent on 21 March 2020 – whether the second appellant was an estate with a valid Fidelity Fund Certificate under the provisions of Act 112 of 1996 at the time when the agreement of sale was concluded – whether, if second appellant acted as agent for respondent, being his principal, he breached his fiduciary duty towards her – whether second appellant made misrepresentations to the respondent, and if so, whether this was so material to affect the validity of the agreement of sale – what is the status of the renovation and repairs project agreement (P & R agreement) dated 25 March 2020 between the first and third appellants and, if valid, whether this has any legal or binding effect on the respondent – what is the status and validity of the builder’s lien relied on by third appellant to justify its possession of respondent’s residential property – what the true relationship between the second appellant and his companies, being the first and third appellants, and whether the court a quo was justified when it pierced the corporate veil in respect of these companies – whether it is lawful for the third appellant to possess the respondent’s immovable property – whether it is lawful for the second appellant to occupy the respondent’s residential property – what is the validity of the cession by C du Plessis of first appellant’s rights and obligations to second appellant on 25 June 2022.

5. John Walker, John Walker Attorneys v Schabort Potgieter Attorneys Inc, Gert Louwrens Steyn De Wet N O, Karen Keevy N O, Simone Liesel Magardie N O, Irene Susan Ponnien N O, Aurora Empowerment Systems (PTY) Ltd, Deon Marius Botha N O, Allan David Pellow N O, Barend Pietersen N O, Johan Francois Engelbrecht N O, The Master of The High Court, Pretoria

320/2024 and 638/2024

Appealed from: GP

Date to be heard: 18 August 2025

Mbatha ADP, Matojane JA, Unterhalter JA, Henney AJA, Kubushi AJA.

Law of Insolvency – Insolvency Act 24 of 1936 – debatement of account – attorney – written mandate – whether Aurora has the right to claim the delivery and debatement of an account from its erstwhile attorneys based on either the express terms of the written fee and

mandate agreement, a fiduciary relationship, or from the applicable statutory framework – whether Mr Walker is entitled to place new evidence before this Court on appeal via his application for leave to appeal – whether, s 32(1)(b) of the Insolvency Act, 24 of 1936 applies to Auro and Pamodzi’s relationship – whether s 32(1)(b) ousted Mr Walker’s duty to account to Aurora – whether s 32(1)(b) should obstruct the duty of Aurora’s liquidators to account to the creditors and the Master of the High Court – whether Pamodzi or Aurora was a client of Mr Walker – whether, having regard to the facts and the Fee and Mandate Agreement, s 32(1)(b) of the Act had the effect of rendering Pamodzi, to the exclusion of Aurora’s trustees, such as to have the effect that Auro is completely barred from demanding information and proper accounting from Mr Walker – whether the relief a quo has become moot due to Mr Walker’s partial accounting, or is Aurora entitled to persist with its claim to compel full accounting from Mr Walker and his successors in title – whether Aurora was indemnified of all costs – whether Aurora’s claim prescribed.

6. Nedbank Limited; Banking Association of South Africa v Celest Felicia Abrahams; Zibusiseni Malinga; Kgomotso Nkuna; Pule Elias Moshane; Nobuntu Rose Ndzonda and Andrew Chounyane

387/2024

Appealed from: GJ

Date to be heard: 18 August 2025

Makgoka JA, Weiner JA, Molefe JA

Law of Civil Procedure – Magistrates Court Act 32 of 1994 – National Credit Act 34 of 2005 (NCA) – jurisdiction– whether the magistrate court has exclusive jurisdiction in respect of legal proceedings under s 127(8) of the National Credit Act 34 of 2005 (NCA) and whether such proceedings must be commenced in terms of the Magistrates’ Court Act, or whether the high court has concurrent jurisdiction in respect of such proceedings.

7. Phillip Thsepiso Motsima and Thandiwe Patience Motsima v Liphapang Albert Kopa, Nthabiseng Mosoeu-Kopa, The Trustees of The Time Being For C&D Investments, The Registrar of Deeds, Free State Province and The Trustees of The Van Der Merwe Family Trust

1316/2023

Appealed from: FB

Date to be heard: 18 August 2025

Schippers JA, Kathree-Setiloane JA, Smith JA, Keightley JA, Modiba AJA

Law of Civil Procedure – application for condonation dismissed – reinstatement of appeal

– whether the full court failed to exercise its discretion judicially by erring in respect of its interpretation of the facts and legal principles of this matter – whether it was in the interest of justice that condonation be granted and the appeal reinstated.

8. 4 Seasons Logistics CC v Nicholas Ngwanammoto Kgotse

1215/2023

Appealed from: WCC

Date to be heard: 18 August 2025

Petse JA, Mbha JA, Dlodlo JA

Company Law – The Close Corporation Act 69 of 1984 –Special leave to appeal – reconsideration application in terms of Section 17 (2)(f) of the Superior Courts Act 10 of 2013

– whether there are exceptional circumstances present in the facts of this matter, as contemplated by the provisions of s 17(2)(f) of the Superior Courts Act – whether the appeal against the final order of liquidation of the applicant, and the counter-application (the rescission of the default judgement) should succeed – whether the order of 1 November 2022 should be varied to an order whereby leave to appeal is granted – what order should be granted by the SCA – whether s 34 of the Constitution was unlawfully breached by the court a quo in not determining the counter-application and confirming the provisional order of liquidation on 1 December 2022 without a hearing, when it was opposed; failing to providing written reasons for the order and dismissing the application for leave to appeal by the applicant without a hearing and granting an adverse cost order against the member of the applicant in his personal capacity when he was not a party to the litigation.

9. The Commissioner for the South African Revenue Service v MTN International (Mauritius) Ltd

352/2024

Appealed from: GJ

Date to be heard: 19 August 2025

Molemela P, Mbatha ADP, Schippers JA, Hughes JA, Smith JA

Tax law – Tax Act 58 of 1962 – section 130 of the Tax Administration Act, 28 of 2011

– whether the Tax Court was correct in upholding MTN’s appeal and setting aside SARS’ additional assessments for the years of assessment 2009 - 2012 – whether the royalties that

MTN charged its subsidiaries for the use of its intellectual property rights were of an arm's length nature – whether the Comparable Uncontrolled Price (“CUP”) method is an appropriate transfer pricing method, and specifically, whether an internal brand licensing agreement (“the Cyprus CUP”) constituted a reliable and suitable internal CUP – whether the Transactional Profit Split (“TPSM”) was an appropriate transfer pricing method – whether the appellant's expert's Methodology was flawed on the basis that the incorrect asset was valued and/or the extent of the rights to the MTN Brand which were acquired by the Opcos was misconstrued – whether the Tax Court's cost order against the appellant was permissible in terms of s 130 of the Tax Administration Act, 28 of 2011.

10. International Trade Administration Commission; Minister of Trade, Industry and Competition; South African Poultry Association v The Association of Meat Importers and Exporters; Minister of Finance and South African Revenue Service

159/24/169/2024 and 168/2024

Appealed from: GP

Date to be heard: 19 August 2025

Dambuza JA, Makgoka JA, Mokgohloa JA , Baartman JA, Henney AJA

Constitutional Law – Promotion of Administrative Justice Act 3 of 2000 – judicial review transactions – constitutional issue regarding the proper performance of an administrative function, and the exercise of public power consistently with the principle of legality and the rule of law – whether the high court was correct to apply procedural fairness when deciding review under the constitutional principle of legality – whether only the decision of the Minister of Finance is reviewable – where the high court was correct to order that the Minister of Trade was jointly and severally liable for the first respondent's cost even though the Minister of Trade successfully opposed the relief sought against it – whether the decision of the Minister of Finance to approve a request by the Minister of Trade to impose import duties on bone-in chicken portions imported from the Netherlands, Germany, and the United Kingdom and effect an amendment of Schedule 2 of the Customs and Excise Act 91 of 1964 was lawful and in any event reviewable – whether the decision of the Minister of Trade to accept a recommendation by the first appellant (ITAC) to impose import duties on bone-in chicken portions imported from the Netherlands, Germany, and the United Kingdom and effect was lawful and in any event reviewable – whether the final decision of ITAC, pursuant to a sunset review, to impose import duties on bone-in chicken portions imported from the Netherlands, Germany, and the United Kingdom and effect was lawful and in any event reviewable – whether in respect of the

cross appeal – the remittal of the matter to the Minister of Finance by the high court, was a proper and just and equitable remedy in terms of s 172 of the Constitution – whether the Minister of Finance lawfully delegated the powers to the Deputy Minister of Finance.

11. Africa Agriculture and Trade Investment Fund v Francois Vienings

074/24

Appealed from: ECM

Date to be heard: 19 August 2025

Meyer JA, Goosen JA, Kathree-Setiloane JA, Koen JA, Modiba AJA

Company Law – liquidation– section 424 of Companies Act 61 of 1973 – business rescue

– whether the respondent ought to have discontinued business rescue proceedings and converted such into liquidation proceedings between August 2014 and January 2015 – whether the respondents authorisation and or use of the loan funds advanced by the appellant to secure the provision of guarantees for HDC’s financing in respect of communal farmers, was in breach of the AATIF Funding Agreement – whether either of the above constituted reckless conduct justifying liability under s 424 of the Companies Act.

12. South African Board for Sheriffs v Thaka Frederick Seboka; Stephanus Johannes Van Wyk and The Deputy Minister of Justice and Constitutional Development

293/24

Appealed from: WCC

Date to be heard: 20 August 2025

Dambuza JA, Kgoele JA , Kathree-Setiloane JA, Steyn AJA, Chili AJA

Law of Civil Procedure – Sheriffs Act 90 of 1986 – the issues on appeal are whether acting

sheriffs may perform the functions of a sheriff without a Fidelity Fund Certificate – the role and function of the board in the context of the appointment of acting sheriff’s and the powers of the board to issue or to refuse to issue a Fidelity Fund certificate – whether the matter is moot.

13. FirstRand Bank limited trading Inter alia as First National Bank Registration Number 1929/001225/06 v Lourina Wilson N O and The Master of the High Court, Cape Town

373/2024

Appealed from: WCC

Date to be heard: 20 August 2025

Mokgohloa JA, Mothle JA, Matojane JA, Unterhalter JA, Baartman JA

Law of Estates – offer of compromise – section 30(b) Administration of the Estates Act 66 of 1965 – whether the first respondent’s offer to the appellant on 30 November 2021 amounted to an offer of compromise – if so, whether the appellant accepted the first respondent's offer of compromise explicitly, implicitly or otherwise – if this Court finds that no compromise was concluded by the first respondent, a proper case for leave to execute against the deceased’s immovable property was made in terms of s30(b) of the Administration of Estates Act 66 of 1965.

14 Simon Lindsay Draycott v Max Hurbert Bega; Serge Philippe Bega; Pierrot Serge Bega; Rosalyn May Maud Bega and Douglas Craig Hall
069/2024

Appealed from: KDZ

Date to be heard: 20 August 2025

Hughes JA, Meyer JA, Weiner JA, Coppin JA, Kubushi AJA

Law of Civil Procedure – Trusts – misrepresentation – reconsideration application in terms of Section 17 (2)(f) of the Superior Courts Act 10 of 2013 – whether the applicant has demonstrated that exceptional circumstances exist to warrant a reconsideration and, if necessary, variation – if so, whether the applicant has made out a case for leave to appeal in terms of s 17(1)(a) of the Act – whether leave to appeal should be granted – whether there are reasonable prospects that another court would come to a different conclusion to the a court a quo – whether the applicant misrepresented to a Trust at the conclusion of two agreements of sale of immovable property that he held valid title in the immovable property and that he as capable of transferring ownership in the property to the Trust – whether such misrepresentation induced the Trust to conclude the sale agreements in respect of certain immovable properties – whether the representation was innocent, negligent or fraudulent– if the representation was innocent, whether the respondents are entitled to damages, if not whether restitution is possible – whether the respondents should have separated the trial against the applicant (as first defendant) from the other defendants in the light of directions previously given by Steyn J that the defendants should not be separated.

15. Sterea Digital CC and Sandenbergh Nel Haggard v The City of Cape Town; Appeal Authority of the City of Cape Town and The Municipal Planning Tribunal of the City of Cape Town

369/24

Appealed from: WCC

Date to be heard: 21 August 2025

Mbatha ADP, Meyer JA, Molefe JA, Smith JA, Kubushi AJA

Municipal Law – property – rezoning application – Promotion of Administrative Justice Act 3 of 2000 – whether the City Municipal Planning Tribunal’s decision to refuse an application by Sterea to rezone its property in a secluded residential neighbourhood from Single Residential 1 to Local Business 1 was correct – whether the Appeal Authority under the By-law failed to consider the relevant considerations and erred by dismissing Sterea’s internal administrative appeal – whether the full court erred to overturn the decision of the court of first instance by dismissing the review application.

16. Naledi Local Municipality; Naledi Local Municipality; CLLR PGC Gulane N O; CLLR Groep N O and Mr Modisenyane Segapo N O v Thabo Appolus, CLLR Lerato Sethlake; Lebogang Jacobs; CLLR Vuyiswa Morakile; The MEC for Cooperative Governance and Human Settlement and Traditional Affairs, Northwest Province.

122/2024

Appealed from NWM

Date to be heard: 21 August 2025

Mothle JA, Kgoele JA, Baartman JA, Henney AJA, Chili AJA

Municipal Law – interpretation – section 54A (7)(a) and (b); (8) and (9) of the Local Government; Municipal Systems Act 32 of 2000 – whether the appeal lapsed due to the removal of three parties cited in the court a quo – whether the appeal lapsed due to the appellants’ failure to serve the Notice of Appeal, the record, and all the relevant documents on the fifth respondent – whether the decision of the MEC not to concur to the appointment can simply be ignored and be of no legal effect without it being reviewed and set aside by a court of law – whether the respondents had the locus standi to challenge the appointment of the fifth respondent as the municipal manager *vis* the interpretation of s 54A(7)-9 of the Act.

17. The Road Accident Fund v Lise Maloney; Lise Maloney obo Charlize Maloney and Lise Maloney obo Jade Maloney

174/2024

Appealed from WCC

Date to be heard: 21 August 2025

Matojane JA, Goosen JA, Keightley JA, Steyn AJA, Modiba AJA

Law of Delict – Road Accident Fund Act 56 of 1996 – damages – whether the full court correctly applied the test for causation (factual and legal) – whether the full court erred in evaluating the evidence – whether the full court erred in finding that the appellant is liable to compensate the respondents’ for their loss of support arising from the suicide of the first respondent's husband and father to the second and third respondents, due to his orthopaedic injuries suffered in a motor vehicle collision.

18. First Rand Limited and First Rand Bank Limited v National Bank of Abu Dhabi PJSC (Pty) Ltd

662/2024

Appealed from GP

Date to be heard: 22 August 2025

Molemela P, Makgoka JA, Schippers JA, Hughes JA, Unterhalter JA

Law of Civil Procedure – application in terms of section 17(2)(f) of Superior Courts Act 10 of 2013 – reconsideration – whether leave to appeal should be granted – whether there is a rational basis to conclude that there are reasonable prospects of success on appeal – **Intellectual Property Law – Trade Marks Act 194 of 1993** – whether the court a quo erred in finding that the explanation given by the appellant was objectively sound – whether the appellant failed to adduce evidence of the facts leading up to the application for registration of two trade marks in the name of The National Bank of Abu Dhabi PJSC (Pty) Ltd, the respondent (FAB) under application numbers 2017/11542 FIRST ABU DHABI BANK and 2017/11543 GROW STRONGER TOGETHER FIRST ABU DHABI BANK, both trademarks are sought to be registered in class 36 of the trade mark register.

19. J J Badenhorst N O v Manyatta Properties Close Corporation; Phillip Cornelius De Witt; Master Of The High Court, Nelspruit; Nikifon (Pty) Ltd; Swanepoel and Partners Incorporated; Christelle De Wet; David Bennett; The Registrar Of Deeds, Mbombela; Anna Magdalena Ashburner; Anna Magdalene Ashburner N O; Ronald Ashburner N O; Caroline Elizabeth Vermeulen N O; Andre Ashburner N O; Roani Ashburner N O; Odussee Trading CC

049/2024

Appealed from: MP

Date to be heard: 22 August 2025

Dambuza JA, Goosen JA, Molefe JA, Keightley JA, Koen JA

Prescription – setting aside deed of transfer – deeds of servitude – Prescription Act 69 of 1969 – whether the full court erred in not applying the abstract theory of transfer of immovable property to its lawful and logical conclusion and finding the sale, transfer and registration all void – whether the full court erred in finding that the appellant had to prove fraud in order to succeed with the relief claimed – whether the full court erred in finding that the appellant’s claim is a debt and had prescribed – whether the full court erred in not considering the appellant’s appeal against the costs order *de bonis propriis*, given by the court *a quo* – whether the claim should have been brought and decided as a common law derivative action – whether such a claim had become prescribed and whether such a claim could have succeeded in the court of first instance in motion proceedings, where it was based on allegations of fraud – whether the relevant contracts and deeds were indeed invalid.

20. Aletta Cateriena van Niekerk v Firstrand Bank limited

065/24

Appealed from: NWM

Date to be heard: 22 August 2025

Mokgohloa JA, Weiner JA, Coppin JA, Steyn AJA, Chili AJA

Law of Contract – Consumer Protection Act 68 of 2008 – National Credit Act 34 of 2005 – whether the court *a quo* was correct in finding that the appellant had waived her right to rely on the common law action (*action redhibitoria*) – whether the provisions of the Credit Protection Act (CPA) relating to the quality of the *merx* were excluded when it is sold in terms of a Credit Agreement in terms of the National Credit Act – whether s 69 of the CPA is applicable to the facts of the present matter – whether the appellant was required to exhaust her remedies in terms of s 69 before she could raise her defence against the bank – if it is found that the appellant did not waive her rights in terms of the *action redhibitoria*, then this Court will be required to determine whether the appellant has proven that the vehicle suffered from a latent defect – whether the respondent acted as the supplier of the motor vehicle as defined in the CPA.

21. Frederick Wilhelm August Lutzkie v The Commissioner for the South African Revenue Service

1135/2023

Appealed from: Tax Court

Date to be heard: 22 August 2025

Petse JA, Mbha JA, Dlodlo JA

Tax Law – Tax Administration Act 28 of 2011 – whether the appellant discharged the onus of proof in the tax court to show that an amount assessed as constituting gross income was not in fact taxable gross income – whether the respondent (“SARS”) discharged the onus in respect of imposing an additional tax of 90%.

22. Waterberg Boulevard (Pty) Ltd v Smulhoekie Tuisnywerheid (Pty) Ltd and Louis Petrus Boshoff

283/24

Appealed from: LP

Date to be heard: 25 August 2025

Mbatha ADP, Hughes JA, Weiner JA, Molefe JA, Unterhalter JA

Law of Contract – specific performance – damages – whether a landlord has a duty to mitigate its damages in the event that it elects to enforce the lease agreement – whether a party can be held to concessions and agreements made during the course of an informal pre-trial procedure – whether the pre-trial agreements became *void ab initio* due to the court a quo not having jurisdiction to hear the matter – whether s 46(2)(c)(i) of the Magistrates Court Act 32 of 1944 prohibits the appellant from claiming specific performance from the respondents without an alternative claim for damages in any claim in excess of R 200 000 – whether the claim in the court a quo is subject to res judicata from any previous ruling and order.

23. National Credit Regulator v First Group Investment Holdings (Pty) Ltd and The National Consumer Tribunal

475/2024

Appealed from: GP

Date to be heard: 25 August 2025

Makgoka JA, Mokgohloa JA, Matojane JA, Goosen JA, Kathree-Setiloane JA

Credit and Consumer Law – National Credit Act 34 of 2005 – Consumer Protection Act 68 of 2008 – whether the referral of the complaint by the appellant was in terms of s 140(1)(b) of the National Credit Act (NCA) or whether the appellant elected to proceed before the tribunal by (motion) application proceedings – whether the deponent was duly authorised, (at least on a prima facie basis) to bring the complaint to the tribunal and act on behalf of the appellant – whether the second respondent in allowing the investigator’s report and/or the allegations made by the appellant in the supporting affidavit constituted the entire body of both allegations and evidence in the proceedings before the tribunal as the proceedings were “motion proceedings” – whether the proceedings before the tribunal are informal and of an inquisitorial nature – whether the high court was correct in interfering with the second respondent’s discretion – whether the decision of the second respondent in dismissing the first respondent’s points in *limine* and referring the matter to a hearing is appealable in terms of s 148(2)(b) of the NCA –whether the NCA or the rules of the tribunal make provision for any party to challenge a decision to refer a matter to the tribunal– whether the extent to which the tribunal is bound by the procedure and process it, in its discretion, has elected to follow in determining a matter before it and which procedure and process thus determines the “the body of evidence” before it when determining such matter– whether the tribunal erred in dismissing the first point in *limine* raised by the first Group, namely that the regulator failed to provide a sufficient basis upon which to demonstrate that the application was authorised – whether the tribunal erred in dismissing the second point in *limine* raised by the first Group, namely that the application is based and pursued on unconfirmed, inadmissible hearsay evidence – whether the tribunal erred in dismissing the third point in *limine* raised by the first Group, namely that the regulator failed to establish “reasonable suspicion” or any suspicion, that the first Group had engaged in ‘prohibited conduct’ – whether the tribunal erred in dismissing the fourth point in *limine* raised by the first Group, namely that the investigator impermissibly exceeded his limited mandate/ the scope of his authorised investigation – whether the tribunal erred in dismissing the fifth point in *limine* raised by the first Group, namely that report relied upon by the regulator is materially incomplete and defective – whether the orders made by the Tribunal are appealable – whether the court a quo erred in granting the costs of the appeal in the court quo, including the costs of two counsel, against the regulator.

24. The Road Accident Fund v Sarah Lewis

1209/2023

Appealed from: WCC

Date to be heard: 25 August 2025

Petse JA, Mbha JA, Dlodlo JA

Constitutional Law – whether the refusal of the appellant’s application for leave to amend its plea, violated its right to have a dispute capable of resolution by the application of law decided in a fair public hearing before a court, as contemplated in s 34 of the Constitution of the Republic of South Africa – whether the lapsed application for leave to appeal should be reinstated – whether the compromise concluded between the parties was actuated by common incorrect assumption of a present or past fact and therefore void – whether the amendment sought to be effected by the applicant was *mala fide* or not – whether the applicant has demonstrated special circumstances for leave to appeal – if leave to appeal is granted, whether the judgment of the court a quo should be overturned.

25. Portapa (Pty) Limited t/a Supabets; Supaworld Gauteng (Pty) Ltd; Intelligent Gaming(Pty) Ltd v Casino Association of South Africa and The Gauteng Gambling Board

182/2024

And

26. The Gauteng Gambling Board v Casino Association of South Africa; Portapa (Pty) Ltd t/a Supabets; Supaworld Gauteng (Pty) Ltd and Intelligent Gaming (Pty) Ltd

215/2024

Appealed from: GJ and GP

Date to be heard: 26 August 2025

Molemela P, Dambuza JA, Mothle JA, Koen JA, Chili AJA

Constitutional Law – section 146 and section 150 of the Constitution – whether the National Act or the Provincial Act should apply and a ‘sporting event’ should be interpreted.

Law of Civil Procedure – legal interpretation– Gauteng Gambling Act 4 of 1995 – National Gambling Act 7 of 2004 – the issue on appeal is the interpretation of the definition of a sporting event in the Gauteng Gambling Act relevant to bookmakers – whether roulette live-streamed from Lithuania constitutes a “sporting event” as defined – whether bookmakers in Gauteng may offer betting on roulette live-streamed from Lithuania.

27. Rustenburg Local Municipality v Burrie Smit Ontwikkelaars (Pty) Ltd

236/24

Appealed from: NWM

Date to be heard: 26 August 2025

Schippers JA, Baartman JA, Coppin JA, Steyn AJA, Kubushi AJA

Law of Property – Expropriation Law– Expropriation Act 63 of 1975 –whether the interest in terms of s 12(3) of the Act is simple interest, the percentage of which fluctuates with the interest determinations from time to time by the Minister of Finance, alternatively whether it is compound interest at the rate applicable on the date on which the expropriation takes possession of the property – whether the appellant should be awarded the costs in terms of s 14(8) of the Act from 11 November 2016 (the date of an unaccepted tender to pay the balance of the claim) or whether those costs should be borne by the appellant – whether the costs incurred before 11 November 2016 should be apportioned in terms of s 15(2)(c) of the Act or whether each party should pay its own costs.

28. Tshivhase Thimbiluni Elizabeth v Azwihangwisi Francinah Tshivhase N O (Obo Estate Late Ndavhelensi Lazarus Tshivhase) and The Master Of The High Court, Thohoyandou

105/2023

Appealed from: LT

Date to be heard: 26 August 2025

Mokgohloa JA, Weiner JA, Goosen JA, Smith JA, Keightley JA

Customary Law – Recognition of Customary Marriages Act 120 of 1998 – whether the purported civil marriage concluded between the deceased and the appellant on 22 July 1977 is valid or not – whether there was a joint estate between the appellant and the deceased – whether the customary marriage concluded between the first respondent and the deceased on 24 December 1966 was ever terminated – whether his the court a quo erred in dismissing the non-joinder point in limine by the appellant – whether the first respondent had made out a proper case for declaring the civil marriage concluded between the appellant and the deceased *void ab initio* and setting aside the joint will of the appellant and the deceased – whether condonation for the late filing of the appellant’s corrected notice of appeal; record of proceedings and reinstatement of the appeal ought to be granted.

29. Fikile Ntaya v South African Revenue Service

848/23

Appealed from: ECM

Date to be heard: 27 August 2025

Makgoka JA, Mothe JA, Meyer JA, Smith JA, Kubushi AJA

Tax Law – Income Tax Act 58 of 1962 – Tax Administration Act 28 of 2011 – assessments of auditor - the central issue on appeal is whether or not in the event that this Court finds that there was no legal basis for the imposition of the penalties, the respondent should not be ordered to pay back monies already deducted – whether the imposition of the penalties is justified in the circumstances of the applicant’s case – whether the applicant submitted nil returns to trigger the imposition of s 222 of the Tax Administration Act– whether an employer/employee relationship existed to trigger the provision of the seventh schedule – whether the assessments made by an auditor of the respondent, be reviewed and set aside – whether the annual financials for the year 2008-2013 submitted by APAC Accounting & Tax Specialists to the respondents should be accepted as the correct annual financials – whether the respondent be ordered to pay back to the appellant the sum of R 762 335-08 which is due with interest from 13 December 2019 to date of payment.

30. Nad Property Income Fund (Pty) Ltd v Bushbuckridge Local Municipality and B M Ngoepe N O

422/24

Appealed from: MP

Date to be heard: 27 August 2025

Dambuza JA, Hughes JA, Unterhalter JA, Steyn AJA, Henney AJA

Arbitration – Arbitration Act 42 of 1965 – whether the second respondent (the arbitrator), in arbitration proceedings, was empowered to declare invalid, in terms of s 172 of the Constitution, a construction agreement concluded between the appellant and the first respondent (the Municipality) – whether the arbitrator committed a gross irregularity where he found that the appellant had failed to make out its claim for unjustified enrichment in respect of only one of the roads that the appellant had built – whether the arbitrator exceeded his powers as provided in s 33(1)(b) of the Arbitration Act 42 of 1965 – whether the arbitrator’s award is reviewable and should be set aside, and if so, whether the municipality is entitled to the relief sought in its conditional counter application.

31. Brian Garth Batteson N O; Barend Johannes Sahd N O; Elzette Van Zyl N O v Deborah Joubert N O and Amanda Randall N O

042/2024

Appealed from: ECM

Date to be heard: 27 August 2025

Mokgohloa JA, Molefe JA, Koen JA, Coppin JA, Modiba AJA

Law of Insurance – Insurance Act 18 of 2017 – cession – the principle issue on appeal relates to the interpretation of an agreement to cede – whether an outright cession or a cession in *securitatem debiti*, executed in terms of the agreement to cede – whether the full court erred in failing to consider the pleadings and evidence led before the trial court – whether the appellants became the owner of the insurance policy.

32. Nelson Attorneys v Amore Smit N O; Antonius Gerhardus Van Den Berg and Margie Van Den Berg

532/24

Appealed from: ECM

Date to be heard: 28 August 2025

Mbatha ADP, Mothle JA, Kgoele JA, Keightley JA, Henney AJA

Law of Delict – duty of care – damages – whether the full court erred in finding that wrongfulness was not in issue – whether wrongfulness was admitted on the pleadings, and if so the extent of the admission – whether a legal duty existed in the circumstances, and if so, whether the appellant ought to be held liable for the damages claimed on public policy considerations – whether the damages awarded (and claimed) constituted delictual damages and/or contractual damages – whether the respondents established a causal nexus between the damages claimed and the conduct of the appellant – whether the respondents proved any delictual damages – whether the admission of the legal duty on the pleadings had the resultant effect that wrongfulness was no longer in dispute – whether the quantum of damages awarded was appropriate

33. Johannes Wessel Greeff v Body Corporate of Merriman Court; Claire Elizabeth Blaha; Antonio Rosario Scalabrino; Charles Eric Leong Son; Wendy-Lee De Goede and Istvan Gyongy

502/2024

Appealed from: WCC

Date to be heard: 28 August 2025

Dambuza JA, Kathree-Setiloane JA, Smith JA, Baartman JA, Chili AJA

Law of Property – Sectional Titles Schemes Management Act 8 of 2011 – extension of section by owner – whether the appellant may extend his flat onto the common property and build a garage onto the common property, thereby divesting the owners in the sectional scheme of their joint ownership of that position of common property and diminishing their participation quotas – whether there is a unanimous resolution for the appellant’s acquisition of the common property onto which he wants to build, and whether there is a special resolution for the extension of the appellant’s unit onto the common property – whether the appellant meets the requirements of an interdict and a declaratory order, which is the relief he seeks against the respondents property – if the appellant acquired some form of right to acquire the common property onto which he wants to extend his unit, whether such right has prescribed.

34. Andries Johannes Dreyer N O and Erica Marcia Dreyer N O (in their capacities as Trustees of the Doornfontein Trust No: IT144/88 v The Standard Bank of South Africa Ltd.

568/24

Appealed from: NWM

Date to be heard: 28 August 2025

Makgoka JA, Weiner JA, Molefe JA

Law of Civil Procedure – Credit Law – Instalment sale agreements – National Credit Act 34 of 2005 – the issue on appeal is whether the high courts have jurisdiction to grant a shortfall order in terms of s 127(8)(a) of the National Credit Act after a credit provider has repossessed property that is the subject of an attachment order, but the sale proceeds derived from the sale of that property are insufficient to discharge the consumer’s indebtedness to the credit provider.

35. The City of Johannesburg Metropolitan Municipality, MMC for Housing City of Johannesburg; Anthea Natasha Leitch N O v Nakampe Rector Seale, The Rabie Ridge Community

121/2024

Appealed from: GP

Date to be heard: 29 August 2025

Mbatha ADP, Mokgohloa JA, Matojane JA, Goosen JA, Kgoele JA

Law of Civil Procedure – Constitutional Law – Property Law – Leave to Appeal – Evictions – Superior Courts Act 10 of 2013 – section 17(1) of the Superior Courts Act – section 26 of the Constitution – section 172 of the Constitution– Prevention From Illegal Eviction From and Unlawful Occupation of Land Act of 1998 – whether or not the applicants have satisfied the requirements of s 17(1)(a) of the Superior Courts Act for the appeal of the matter – whether there is a reasonable prospect that this Court would find that the eviction of the respondents from their homes, by means of a blanket interdict, granted against a group of ‘unknown people who invaded’ and ‘unknown people who intend invading land’ passes Constitutional muster – whether the court a quo was entitled to grant the relevant relief.

36. National Council of and for Persons with Disabilities v Independent Communications Authority of South Africa

581/2024 (GP)

Appealed from: GP

Date to be heard: 29 August 2025

Schippers JA, Kathree-Setiloane JA, Coppin JA, Steyn AJA, Henney AJA

Constitutional Law – Review – Promotion of Administrative Justice Act 3 of 2000 – Code For People with Disabilities Regulation, 2021 – whether the high court erred in dismissing the appellant’s application on the basis that the applicant unreasonably delayed instituting it as contemplated in s 7(1) of PAJA – whether the 2021 Code is unconstitutional and unlawful, or otherwise reviewable because it fails to impose effective measures to ensure that hearing-impaired and deaf persons have access to the news and other broadcasts of public importance.

37. Lennette Janse De Wit, Lenette Janse De Wit N O and Maryke Smit v Toerien De Wit N O, Phili Rall N O, Toerien De Wit, Phillip Rall, Karmien Kruth, Elbert De Wit JR and The Master of the High Court, Cape Town

607/2024

Appealed from: WCC

Date to be heard: 29 August 2025

Hughes JA, Keightley JA, Koen JA, Chili AJA, Modiba AJA

Law of Trust – Trust Property Control Act 57 of 1988 – interpretation – whether the court a quo correctly interpreted s 13 of the Trust Property Control Act, particularly in respect of the second jurisdictional requirement – whether the appellants have satisfied its second

jurisdictional requirement – whether this Court ought to interfere with the discretion of the court a quo in deciding that termination of the Trust would not be appropriate.

38. Urban Icon (Pty) Ltd v South African National Roads Agency Soc Ltd, Nyeleti Consulting (Pty) Ltd, Ilifa Africa Engineers (Pty) Ltd, Bvi Consulting Engineers (Pty) Ltd, Minister of Finance, Minister of Transport

679/2024

Appealed from: GP

Date to be heard: 1 September 2025

Makgoka JA, Unterhalter JA, Baartman JA, Coppin JA, Steyn AJA

Administrative Law – Preferential Procurement Policy Framework Act 5 of 2000 – Standard Conditions of Tender – whether SANRAL’s reliance on s 2(1)(f) of the PPPFA was lawful – whether objective criteria’s were provided for in the Conditions of Tender – whether SANRAL’s risk assessment was lawful – whether the monitoring decision was lawful – whether the decision of the first respondent to award the tender to the third respondent should be reviewed and set aside – whether there has been an undue delay in bringing and prosecuting the review application by the appellant – whether the appellant should have registered as a consulting engineer.

39. Johann Els v Daniel Wouter Venter and Melanie Christina Venter

449/2024

Appealed from: WC

Date to be heard: 1 September 2025

Schippers JA, Goosen JA, Kgoele JA , Kathree-Setiloane JA, Modiba AJA

Property Law – eviction – Consumer Protection Act 68 of 2008 (CPA) – section 14(2)(b)(ii) of the CPA – section 42 of Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE) – whether s 142(b)(ii) of the CPA overrides an early cancellation clause in a lease agreement – whether the lease agreement was a fixed-term agreement for the purposes of s 14(4)(a) of the CPA - whether the lease agreement was concluded within the respondents’ ordinary course of business as contemplated in the CPA – whether the fact that the period of the lease extended beyond twenty-four months had the effect of excluding it from the operation of the CPA – whether s 142(b)(ii) of the CPA precludes the respondents from cancelling the lease absent a material breach – whether it was competent for the court a quo to grant an order of eviction whilst the appellant was still in lawful occupation

of the property and in circumstances that there had been no compliance with the provisions of s 4(2) of the PIE Act.

40. Siphokazi Mafilika, Onesipho Guza, Vuyolw

ethu Ndamase, Thembani Breakfast, Asthobebe Makhangala v Elundini Local Municipality, Municipal Manager: Elundini Local Municipality

620/2024

Appealed from: ECM

Date to be heard: 1 September 2025

Hughes JA, Weiner JA, Molefe JA, Koen JA, Chili JA

Municipal Law – Administrative Law – Promotion of Administrative Justice Act 3 of 2000 – whether the conduct of the Municipality was lawful in disconnecting the water and electricity supply to the property known as Erf 3488, Maclear, whether such conduct of the Municipality amounts to an administrative action within the meaning of the Promotion of Administrative Justice Act – whether the execution of an instruction of the landlord/title holder by the Municipality in terminating the supply of water and electricity for the tenants without affording notice to the tenants was lawful.

41. The Commissioner for The South African Revenue Service v The Petroleum Oil and Gas Corporation of South Africa SOC Limited and Minister of Finance

608/2024

Appealed from: WC

Date to be heard: 2 September 2025

Molemela P, Smith JA, Unterhalter JA, Coppin JA, Steyn AJA

Tax Law – Customs and Excise Act 91 of 1964 – section 49(6)(e) – whether fuel was exported by the respondent as provided in certain items 623.23.671.05 and 671.07 of Schedule 6 of the Customs and Excise Act – whether SARS has impermissibly extended the scope of the determination by making new determinations in its answering affidavit – whether a practice generally came into existence in terms of which the refunds claimed by way of set-off were allowed in respect of fuel removed from an unlicensed storage tank in relation to the proper interpretation of s 44(1)(A) – whether the respondent proved the existence of a practice generally prevailing.

42. Khamusi Shonisani Mudau-Mamode v Vhuhwaho Benge

602/2024

Appealed from: LPT

Date to be heard: 2 September 2025

Hughes JA, Goosen JA, Chili AJA

Law of Civil Procedure – Magistrate Court Rules – Rule 55(1)(K) – Uniform Rules – Rule 6(5)(9) – whether the regional court and the full bench were correct in dismissing the appellant’s application in the court of first instance on the basis that there is a dispute of fact which could not be resolved on papers.

43. North West Provincial Department of Agriculture, Conservation, Environmental and Rural Development, Member of Council, North West Provincial Department of Agriculture, Conservation, Environmental and Rural Development v Bosigo Investment and Trading CC and Keewave Trading 191 CC

228/2024

Appealed from: NWM

Date to be heard: 2 September 2025

Matojane JA, Kathree-Setiloane JA, Koen JA, Henney AJA, Modiba AJA

Law of Civil Procedure - Condonation – Costs for Damages – whether the appellant’s application for condonation and reinstatement of the appeal should be granted – whether the appellant’s appeal is restricted to the quantum of the first respondent’s damages as awarded by the trial court – the appellant’s appeal concerning the quantum is based on the following – whether Bosigo Trading failed to discharge its onus of quantifying its damages in the form of a loss of profit – whether the trial court failed to take into account certain amounts which were received by the Bosigo Trading – whether the high court erroneously accepted a rate escalation designed to take into account increased costs in the second year of the contract.

44. De Beers Consolidated Mines (Pty) Ltd v Regional Manager Limpopo, Limpopo: The Department of Mineral Resources and Energy, The Director-General: The Department of Mineral Resources and Energy; The Minister of Mineral Resources and Energy

458/2024

Appealed from: GP

Date to be heard: 3 September 2025

Schippers JA, Mokgohloa JA, Unterhalter JA, Henney AJA, Kubushi AJA

Administrative Law – Review – Mining Law – Mineral and Petroleum Resources Development Act 28 of 2002 – section 43 of the MPRDA – section 7(2) of the Promotion of Administrative Justice Act 3 of 2000 – whether it was permissible for the court a quo to make findings on the merits of the review application – whether the amendments to s 43 of the MPRDA, effective from 7 June 2013, apply retrospectively to the appellant’s closure application, which was lodged in 2009, under the previous legal framework.

45. Thembakazi Ntangazana v Member of Executive Council for The Department of Education, Eastern Cape

390/2023

Appealed from: ECM

Date to be heard: 3 September 2025

Mothle JA, Hughes JA, Kgoele JA, Baartman JA, Chili AJA

Law of Civil Procedure – Condonation – Leave to Appeal – Superior Courts Act 10 of 2013 – whether the condonation for the late filing of the record and re-instatement of the appeal may be granted – whether the order refusing leave to appeal may be reconsidered and varied and whether leave to appeal ought to be granted – whether the court a quo erred in upholding the jurisdiction special plea based on a case not pleaded and not included by the parties in the stated case.

46. Mamphuti Maria Kgolane Obo MK v Road Accident Fund

497/2024

Appealed from: HCA

Date to be heard: 3 September 2025

Meyer JA, Goosen JA, Smith JA, Keightley JA, Modiba AJA

Law of Civil Procedure – Appeal – Third Party Compensation – Road Accident Fund – Road Accident Fund Act 56 of 1996 – whether the full court erred in dismissing the appeal before it, having the implication that the applicant’s entire act was dismissed, whilst the Full Court only had to consider and decide on the issue of quantum since liability has been previously dealt with by the court of quo – whether the full court respectfully erred in implying that a driving of a motor vehicle can constitute negligence in terms of s 17(1) of the RAF Act without a claimant sustaining injuries – whether the full court erred in finding that there is no link between the collision on the date of the accident and the loss suffered by the minor child on the date of the incident – whether the applicant has failed to prove that the injuries have

affected the minor child and that the minor child should be remunerated for the effects of such injuries

47. Daniel Lekeka v The State

1136/2022

Appealed from: GJ

Date to be heard: 4 September 2025

Mbatha ADP, Kathree- Setiloane JA, Keightley JA

Criminal law and Procedure – convictions and sentence – application in terms of section (2)(f) of the Superior Courts Act 10 of 2013 – application for leave to appeal referred for oral hearing in terms of section 17(2)(d) of the Superior Courts Act 10 of 2013 – whether the trial court and the high court erred in its of application of the doctrine of common purpose – whether the trial court and the high court failed to consider or refer to the evidence of the witness called on behalf of the applicant – whether the trial court and high court over-emphasised the seriousness of the offences.

48. Aig South Africa Limited, Old Mutual Insure Limited, Bryte Insurance Company Limited, Guardrisk Insurance Company Limited, Insurance Underwriting Managers (Pty) Ltd v Azrapart (Pty) Ltd, Accelerate Property Fund Limited

898/2024

Appealed from: GJ

Date to be heard: 4 September 2025

Mothle JA, Kgoele JA, Koen JA, Steyn AJA, Henney AJA

Contract law – Insurance Law – antecedent insurance agreements – whether the insurance contract falls to be rectified – whether antecedent agreements were concluded between the insurer and the respondents, and if so what the terms of those antecedent agreements were – whether the insurance policy ought to have been rectified, as pleaded by the insurers, by the deletion of the clause providing infectious and contagious disease cover (“ICD cover”).

49. Greater Bloemfontein Taxi Association, Mofererere Shadrack Maphisa v Retshedisitsoe Issac Mafisa

664/2024

Appealed from: FB

Date to be heard: 4 September 2025

Meyer JA, Matojane JA, Weiner JA

Law of Civil Procedure – section 77 of the Land Transport Act 5 of 2009 – whether the court a quo erred in finding that the respondent had proven a clear right despite the permit legality relief upon to prove a clear right being challenged – whether the court a quo should have found that the permit was transferred in contravention of s 77 of the Land Transport Act and thus unlawful – whether the court a quo erred in not enquiring on the alleged unlawful conduct of the respondent on the day – whether the court a quo sought to have applied Plascon Evans rule alternatively, referred the question of whether the applicant’s conduct was disruptive and contrary to the taxi rank’s standing or not for oral evidence

50. Standard Bank of South Africa Limited, Lungisa Fuzile N O v Africa Community Media (Pty) Ltd, Ana Studio (Pty) Ltd, Allied Logistic Solutions (Pty) Ltd, Banner News Agency (Pty) Ltd, Conde Nast Independent Magazines (Pty) Ltd

645/24

Appealed from: WCC

Date to be heard: 5 September 2025

Dambuza JA, Weiner JA, Molefe JA, Smith JA, Baartman JA

Civil Law and Procedure – Interdicts – whether the order granted by the court a quo (sitting as both the Equality and High Court) is appealable and, if so, whether the appeal should succeed – whether the interdictory relief sought by the respondents in the court a quo was final in effect and thus in nature (even if not in form) – whether the respondents established a clear right alternatively a prima facie right to the interdictory relief – whether or not an interim interdict is an appropriate procedure to make a final determination on the applicability of the *Bredenkamp and Others v Standard Bank of South Africa Ltd* 2010 (4)SA 468 (SCA) decision.

51. Sabelo Dan Cele v The State

681/2024

Appealed from: GJ

Date to be heard: 5 September 2025

Makgoka JA, Matojane JA, Kgoele JA, Kathree-Setiloane JA, Chili AJA

Criminal Law and Procedure – Conviction and Sentence – Criminal Procedure Act 51 of 1977 – Criminal Law Amendment Act 105 of 1997 – whether the trial court misdirected itself in sentencing the appellant to 30 years’ imprisonment on count 1 (murder) – whether the trial court had correctly found that the offence of attempted robbery is an offence referred to in

Part II of Schedule 2 of Act 105 of 1997 – whether the trial court had correctly sentenced the appellant to 17 years’ imprisonment for attempted murder – whether the trial court had misdirected itself in refusing counsel the opportunity to address her properly on the personal circumstances of the appellant.

52. The Road Accident Fund v Newnet Properties (Pty) Ltd t/a Sunshine Hospital and the Sheriff, Pretoria East

616/2024

Appealed from: GP

Date to be heard: 26 May 2025

Petse JA, Mbha JA, Dlodlo JA

Law of Civil Procedure – Application for reconsideration in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – reconsideration and if necessary variation – Law of Delict – Road Accident Fund Act 56 of 1996 (RAF Act) – whether the court a quo erred in failing to exercise the Court’s discretion in favour of the Applicant – whether the court a quo erred in finding that there was ‘not the slightest indication’ that any of the claims by the first respondent were irregular – whether the court a quo erred in finding that the application was an abuse of process – whether the court a quo erred in not finding that it would be in the interests of justice to issue a stay in execution of the relevant writs – whether the court a quo erred in failing to deal with the impact of s 17(5) of the RAF Act and its impact on ‘global claims’ – whether the court a quo erred in failing to consider the information flowing from the Universal investigation – whether the court a quo was correct in finding that the RAF complied with the requirements for an interim interdict when granting the interdict.

53. The Regents of the University of California; Astellas Pharma Europe Ltd; Astellas Pharma Inc; Astellas Pharma (Pty) Ltd v Eurolab (Pty) Ltd; Dischem Oncolgy (Pty) Ltd; Dis-Chem Oncology Distribution (Pty) Ltd and Dis-Chem Pharmacies (Pty) Ltd

294/25 (GJ)

Appealed from: CCP

Date to be heard: 08 September 2025

Molemela P, Meyer JA, Smith JA, Baartman JA and Henney AJA

Patent Law – infringement of a patent – section 61(1) of the Patents Act 57 of 1976 – the appeal concerns three interrelated applications relating to the South African patent number

2007/1080, registered in the name of the first appellant (UC). The patent claims the compound enzalutamide, the active ingredient in the medicine Xtandi (the patent) – whether the court *a quo* was correct to revoke the patent under s 61(1)(a) finding that UC was not entitled to apply for the patent at the filing date of the patent because it had not taken assignment of the invention for all the inventors by that date – whether the groundless threats application is moot given that the proceedings that were ‘threatened’ have been instituted – whether the patent is invalid on ground invoked by Eurolab and by Dis-Chem namely: whether UC had a right to apply for the patent; whether UC made material representations on the form P3 filed during the prosecution of the patent application – whether the patent is invalid and whether the requirements for an interim interdict have been met.

54. Boitumelo Caleb Moloto v The State

1546/2024

Appealed from: NWM

Date to be heard: 8 September 2025

Mbatha ADP, Kathree-Setiloane JA, Keightley JA, Unterhalter JA, Kubushi AJA

Criminal Law and Procedure – sentence – section 51 (3) of the Criminal Law Amendments Act 105 of 1997 – whether this Court should grant condonation for the late prosecution of the appeal – whether the court *a quo* erred by failing to find that substantial and compelling circumstances existed to justify a deviation from the imposition of the prescribed minimum sentence – whether the full court erred by dismissing and confirming the sentence imposed by the court *a quo*.

55. Jeffrey Matjwela v The State

854/2024

Appealed from: NWM and LP

Date to be heard: 8 September 2025

Mbatha ADP, Kathree-Setiloane JA, Keightley JA, Unterhalter JA, Kubushi AJA

Criminal Law and Procedure – sentence – application in terms of section 17(2)(d) of the Superior Courts Act 10 of 2013 – referred for oral argument – whether special leave to appeal ought to be granted – whether the sentence imposed by the court *a quo* was appropriate in the circumstances and that the state will rely on the doctrine of common purpose upon conviction, or that the murder was planned and/or premeditated – whether the full court erred

in finding that provisions of the minimum sentences Act was explained to the appellant – whether the full court erred in finding that no substantial and compelling circumstances exists – whether the sentence imposed by the trial court is just , equitable and not inappropriate.

56. Moremi Treasure v The State

881/24 (GP)

Appealed from: GP

Date to be heard: 9 September 2025

Hughes JA, Goosen JA, Koen JA

Criminal Law and Procedure – appeal against sentence – whether the sentence imposed by the regional court was appropriate considering the Pre-sentence and Correctional Supervision Report filed in mitigation of the sentence – whether an order of the high court of South Africa, Gauteng Division, Pretoria refusing the petition (seeking leave to appeal against the sentence) was correct – whether or not the appellant have reasonable prospects of success.

57. Thulani Mkhize v The State

957/23

Appealed from: FS

Date to be heard: 9 September 2025

Meyer JA, Molefe JA, Keightley JA, Coppin JA, Modiba AJA

Criminal Law and Procedure – sentence – Criminal Procedure Act 51 of 1977 – leave to appeal referred for reconsideration and oral argument – application in terms of section 17(2)(d) of the Superior Courts Act 10 of 2013 – whether the sentence imposed by the regional magistrate and altered by the court a quo, exceed the jurisdiction of the regional court – whether the sentence imposed by the court a quo is shockingly inappropriate.

58. Mpina Abednego Mathebula v The State and Tswantso Phillemon Melato

1439/2024

957/23

Appealed from: FS

Date to be heard: 10 September 2025

Makgoka ADP, Mokgohloa JA, Mothle JA, Molefe JA, Henney AJA

Criminal Law and Procedure – reinstatement of appeal – Permanent stay of Prosecution
 – whether the court a quo erred in finding that no exceptional nor compelling circumstances existed to warrant a stay of prosecution – new challenge on appeal raised is the substratum of the charges – issue on appeal is whether the appellant launched a stay of criminal proceedings or a review – whether a review is impermissible in the circumstances and warrants dismissal of the appeal on a punitive costs scale.

59. Christoffel Petrus Wolmarans N O, Emerentia Wolmarans N O, Tella Harris N O, Van Wyk Wolmarans N O (First-Fourth Appellants in their capacity as Trustees of the Wolmarans Kinder Trust, IT962/1998), Christoffel Petrus Wolmarans and Emerentia Wolmarans v The Standard Bank of South Africa Ltd

416/2023

Appealed from: FS

Date to be heard: 10 September 2025

Schippers JA, Kathree- Setiloane JA, Koen JA, Coppin JA, Steyn AJA

National Credit Act 34 of 2005 – credit agreement – settlement agreement – suretyship agreement – whether the credit providers (respondent) undermined and circumvented or subverted the provisions of the National Credit Act 34 of 2005 (hereafter referred to as “the Act” or “the NCA”), including the peremptory debt enforcement provisions contained in Chapter 6, Part C of the NCA – whether a registered credit provider may conclude a settlement agreement with a consumer (which was made an order of court by virtue of the debtor agreeing thereto in the settlement agreement) when a consumer was in default in terms of a credit agreement governed by the Act, without the credit provider complying with the peremptory provisions of the debt enforcement provisions contained in Chapter 6, part C of the NCA and in addition where the settlement agreement provides for provisions that would be unlawful if included in a credit agreement – whether such a settlement agreement constituted a supplementary agreement or document as envisaged in ss 89(2)(c), 90(2)(f) and 91(2) and if so, whether the specific settlement agreement(s) constituted unlawful supplementary agreement(s) or document(s) as envisaged in ss 89(2)(c), 90(2)(f) and 91(2) – whether the NCA was applicable to a settlement agreement where the underlying agreement was a credit agreement to which the NCA was applicable – whether the settlement agreements, if they were credit agreements to which the NCA applied, contained unlawful provisions in terms of ss 90(1) and (2) of the NCA – whether a juristic person, who stood surety for a consumer regarding a credit agreement that was governed by the NCA, was excluded from the provisions

of s 129 read with 130 of the NCA because it was a juristic person and not a natural person – whether the court a *quo* was correct in finding that the credit provider was entitled to conclude the settlement agreements outside the ambit of the NCA and in turn was entitled to judgment as prayed for against the sureties for payment of a debt which originated from an underlying credit agreement to which the NCA applied – rescission of the court orders whereby the settlement agreements were made orders of court – whether the settlement agreements stood to be declared void and set aside – whether there was a non-disclosure of the underlying credit agreements – whether settlement agreements entered into between the appellants and the respondents, which were made orders of court on 21 February 2019 and 12 November 2020 must be regarded to be subject to the Act – whether the settlement agreements (which were made orders of the court) must be regarded as supplementary agreements for purposes of ss 89, 90 and 91 of the Act – whether the settlement agreements were governed by the provisions of the Act – whether s 129 read with s 130 of the Act were applicable.

60. National Director of Public Prosecutions v Sherley Dali Bacela, Mafisa Teg Transport and Projects (Pty) Ltd

1072/24

Appealed from: NWM

Date to be heard: 11 September 2025

Makgoka ADP, Meyer JA, Matojane JA, Goosen JA, Modiba AJA

Criminal Law and Procedure – Asset Forfeiture – interpretation of section 48(3) of the Prevention of Organised Crime Act 121 of 1998 (POCA) – whether s 48(3) of POCA provides that forfeiture applications must be personally served on the respondents by the sheriff regardless of the fact that they are ‘already represented by an attorney of record’ within the contemplation of Rule 4 (1)(aA) of the Uniform Rules of Court.

61. Itokolle-Clinix Private Hospital (Pty) Ltd v Motlhabedi, Nonfo Thelma obo Dimpho Osiam Remotshepile Motlhabedi

863/2024

Appealed from: NWM

Date to be heard: 11 September 2025

Dambuza JA, Weiner JA, Molefe JA, Keightley JA, Coppin JA

Delict - Medical law – vicarious liability – negligence – whether the declaration of 100% vicarious liability against the appellant, jointly and severally with the attending obstetrician is justified based on the negligent management of the respondent’s labour and delivery of her minor son by the midwifery staff and obstetrician – whether the court a quo erred in ordering the appellant to pay the costs of the trial on an attorney and own client basis – whether the court a quo failed to properly evaluate the evidence before it.

62. Sean David Todd v Magistrate: Clanwilliam; The Director of Public Prosecutions Western Cape and Kendal Victor (Nee Wampach)

432/2024

Appealed from: WCC

Date to be heard: 11 September 2025

Mokgohloa JA, Smith JA, Unterhalter JA, Henney AJA, Kubushi AJA

Criminal Law and Procedure – Inquests Act 59 of 1959 – inquest proceedings – whether the first respondent’s decision to dispense with oral evidence in the inquest proceedings was competent, and if not, whether this vitiates the inquest proceedings – whether the provisions of ss 13(2) and 8(2) of the Inquests Act are in conflict with one another and if so, how this should be resolved – whether the evidence before the first respondent and the high court justified the findings of the first respondent.

63. Willem Hendrik Ackerman v Emmanuel Amaning and Garth Wellman

744/2024 (GJ)

Appealed from: NWM

Date to be heard: 12 September 2025

Dambuza JA, Mbatha JA, Hughes JA, Matojane JA, Kgoele JA

Constitutional Law – hate speech – Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 – whether the respondents had proved, on a balance of probability, that the alleged complained of statements had indeed been made by the applicant – whether the impugned statements made by one person to another privately about another race group of which neither of the parties to the conversation are members, constitutes hate speech – whether the applicant had committed any act of hate speech – whether the penalties imposed by the *Court a quo were* correct, especially in light of no evidence at all as to what a suitable punishment would be – whether a party who repeats or publishes statements by another party

is guilty of hate speech – whether the statements made by the Honourable Justice Majiedt in the matter of *Qwelane v. South African Human Rights Commission and Another*, 2021 (6) SA 579 (CC) regarding alleged hate speech between two persons is *obiter* or *dicta* – whether the cost order awarded by the court a quo is appropriate.

64. Zincede Ngokwakho Housing (PTY) LTD and Stonewall Quarry (Pty) Ltd t/a Dorning Crushers v Matatiele Local Municipality
844/2024 (KZP)

Appealed from: NWM

Date to be heard: 12 September 2025

Makgoka ADP, Weiner JA, Baartman JA, Steyn AJA, Chili AJA

Environmental Law – Mining property rights – Mineral and Petroleum Resources Development Act 28 of 2002 – Municipal Asset Transfer Regulations – whether the second appellant was entitled to occupy the respondent’s property by virtue of the mining right which it holds over the property in terms of the Mineral and Petroleum Resources Development Act – whether the second appellant had this right irrespective of whether a lease which existed over the property, was renewed or not – whether its possession of a mining right under the said Act entitles it to occupy the respondent’s property without any leave or right granted by the respondent, expropriation, or compensation – whether regulation 34 of the Municipal Asset Transfer Regulations has any application in this case and if so, whether non-compliance with this regulation rendered the second appellant’s occupation of the property unlawful.

65. Equal Education v MEC for Education, Western Cape Government, Premier of the Western Cape, Minister of Basic Education, Minister of Justice and Correctional Services
298/2024 (WCC)

And

66. South African Democratic Teachers’ Union v MEC for Education, Western Cape; National Minister of Basic Education; Speaker of the Provincial Legislature, Western Cape Province; The Premier of the Western Cape; Minister of Justice and Constitutional Development
351/2024

Appealed from: WCC

Date to be heard: 12 September 2025 (**POSTPONED TO 09 DECEMBER 2025**)

Petse JA, Mbha JA, Dlodlo JA

Constitutional law – Western Cape Provincial School Education Act 12 of 1997 – educational rights – constitutionality of provisions of provincial legislation – South African Schools Act 1996 – whether ss 12C, 21, 24 and 63(1)(cI) of the Western Cape Provincial School Act (WC Schools Act) are invalid to the extent that they result in a government gap for Collaboration Schools, fail to guarantee learner and parental representation on the School Governing Body (SGB) of a Collaboration School, fail to provide adequate criteria for conversion of another type of public school to a Collaboration School – whether ss 12D, 21, 24 and 63(1)(cI) of the WC Schools Act are invalid to the extent that they result in a governance gap for Donor Funded Schools, fail to guarantee learner and parental representation on the SGB of a Donor Funded School, fail to provide adequate criteria for conversion of another type of public school to a Donor Funded School, set no upper limit on donor representation on the SGB of a Donor Funded School, set no qualification criteria for appointment of a donor to the SGB of a Donor Funded School – whether ss 12E, 45(5)(b)(i), 45(6)(a), 45(14A) and 45(14B) and/or 63(1)(cI) of the WC Schools Act unjustifiably limit the rights in ss 28 and 29(1) of the Constitution to the extent that they give an unguided discretion to officials to refer a learner to an Intervention Facility, require the compulsory return of a learner to the same school, fail to provide for court oversight of a referral to reside at an Intervention Facility – whether the High Court erred in dismissing the challenge.

And

Law of Civil procedure – Western Cape Provincial School Education Act 12 of 1997 – educational rights – whether ss 12C(9) to (10) and 12D (7) to (9) of the WC Schools Act conflicts with certain provisions of the South African Schools Act 84 of 1996 ("SASA") which prescribes the composition of School Governing Body's SGBs and that SASA ought to prevail – whether ss 12C(9) to (10) and 12D (7) to (9) of the WC Schools Act are unconstitutional and invalid to the extent that they do not bear a rational connection to the stated purpose of improving learner outcomes; and they unjustifiably limit the rights to equality and human dignity of parents, teachers, staff and learners of Collaboration and Donor Funded Schools as well as learners' rights under s 28 by depriving them of the right to meaningfully participate in school governance through guaranteed democratic SGB representation – whether ss 12C(9) to (10) and 12D (T) to (9) of the WC Schools Act are irrational and vague to the extent that they fail to prescribe factors to identify a suitable donor and/ or operating partner to determine when

a school should be converted to a Collaboration School or Donor Funded School – whether ss 12E (3), 45(5)(b)(i), 45(6) (a), 45(14A), 45(14B) of the WC Schools Act are inoperative to the extent that they permit the temporary removal of a learner from school as a disciplinary measure and the referral of the learner to a residential Intervention Facility for up to 12 months and is thereby in conflict with the SASA – whether ss 12E (3), 45(5)(b)(i), 45(6)(a), 45(14A), 45(14B) are irrational and contravene the principle of legality – whether ss 12E (3), 45(5)(b)(i), 45(6)(a), 45(14A), 45(14B) unjustifiably limit the constitutional rights of learners – whether ss 9A, 11A to 11H and 58(aA) of the WC Schools Act unjustifiably infringe its members' rights to collective bargaining in terms of s 23(5) of the Constitution because the provisions conflict with a collective agreement.

67. Tongaat Hulett Limited; Tongaat Hullet Sugar Limited and Tongaat Hulett Acucareira De Xinavane SA v Hollard Insurance Company Limited

366/24

Appealed from: KZD

Date to be heard: 25 August 2025

Schippers JA , Meyer JA, Kgoele JA, Baartman JA , Kubushi AJA

Law of Contract – insurance policy – repudiation – jurisdiction –whether the high court had jurisdiction to determine the repudiation of a claim under two insurance policies in the action against the Third and Fourth Respondents (both peregrine of the Republic of South Africa) – whether clause 14 of the Contract Works Policy constituted a submission to jurisdiction in respect of claims under both Contract Works and Project Delay Policies – whether the first court had jurisdiction in respect of the third appellants claims, to the extent that they can be seen as separate to those of the first and second appellants, by application of the *causa continentia* doctrine. In the event that this Court finds that the common law has not yet developed to the point where the high court already enjoyed jurisdiction, the issue to be decided is whether the common law is to be developed – whether the separate juristic of the third and fourth respondents is to be ignored and they are to be treated as alter egos of the first and second respondents respectively – whether it is permissible for a foreign peregrinus to sue a foreign peregrinus in a South African court in the absence of a *ratio jurisdictionis* (even if there is a submission to jurisdiction) – whether the submission to jurisdiction in the contract works policy is such as to constitute a submission to jurisdiction by the third and fourth defendants in respect of claims in the project delay insurance policy.

68. Mmatlou Lesley Matsi and Matsi Law Chambers Inc. v The South African Legal Practice Council (Gauteng Province)

184/2024

Appealed from: GP

Date to be heard: 15 September 2025

Petse JA, Mbha JA, Dlodlo JA

Law of Civil Procedure – Application in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – referred for oral argument – Legal Practice Act 28 of 2014 – whether the appeal would have reasonable prospect of success or if there are some other compelling reasons why it should be heard – whether sufficient facts were placed before the court a quo to sustain the conclusion that the legal practitioner had misconducted himself, thus warranting an interim order suspending him from practicing pending the finalisation of Part B – whether the court a quo erred on facts and law, in making a decision by which it mainly directed, one, the indefinite suspension on the first applicant from practice and two, the winding up (dissolution) of the second applicant – whether a disciplinary body referred to in the Legal Practice Act refers to a council or a council meeting of the respondent – whether acting ultra vires where the chairperson of the respondent has, without legislative or delegated powers, or being empowered by the respondent’s enabling legislation, approached the court a quo, without a resolution specifically empowering her to do so, to ask for the winding up or dissolution of the second applicant’s law firm, in a manner that is outside the laws regulating the liquidation or dissolution or winding up of registered companies or business entities and in the circumstances of this matter; if she had no authority, whether she acted ultra vires her powers and therefore unlawfully.

69. Bayer Intellectual Property GMBH, Bayer Ag, Bayer (Pty) Ltd v Austell Pharmaceuticals (Pty) Ltd, New Clicks South Africa (Pty) Ltd, Clicks Retailers (Pty) Ltd
845/2024

Appealed from: GP

Date to be heard: 17 September 2025

Molemela P, Makgoka ADP, Schippers JA, Mbatha JA, Hughes JA

Intellectual Property Law – Patents Act 57 of 1978 – whether the claimed invention is an invention for purposes of s 25(1) of the Patents Act – whether the claimed invention is a method

of treatment, as contemplated in s 25(11) of the Patents Act – whether the feature of the claim that refers to the half-life of the claimed compound is an essential feature of it – whether the patent is valid or whether, as the respondents contend, it is invalid for obviousness, insufficiency and on account of it being directed to a method of treatment of the human body and a discovery (which are not inventions under the Patents Act) – whether once-daily dosing is obvious.

70. Pick N Pay Retailers (Pty) Ltd v Maria Williams and Tradesoon (Pty) Ltd t/a Bluedot 238/2024

Appealed from: WCC

Date to be heard: 19 September 2025

Petse JA, Mbha JA, Dlodlo JA

Law of Civil Procedure – Application in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – whether exceptional circumstances exist for leave to appeal to be granted – **Law of Delict – Claim for damages** – whether the trial court erred in holding the Applicant liable, in delict, for the first respondent’s damages.

71. Hi-Q Automotive (Pty) Ltd v Erga Investments (Pty) Ltd and The Sheriff, Midrand 935/2024

Appealed from: GJ

Date to be heard: 22 September 2025

Petse JA, Mbha JA, Dlodlo JA

Law of Civil Procedure – Superior Courts Act 10 of 2013 – reconsideration application in terms of section 17(2)(f) - whether the merits of the appeal should be determined having regard to the issue of mootness – whether an application in terms of s 17(2)(f) reconsideration automatically suspends the executability of the order of the court a quo by virtue of s 18(1) of the Act – whether the eviction of the first respondent occurred under lawful process – whether the appeal ought to be upheld and the order of the court a quo replace with one dismissing the application with an appropriate cost order.