

REPUBLIC OF SOUTH AFRICA

SUPREME COURT OF APPEAL

BULLETIN 4 OF 2025

CASES ENROLLED FOR HEARING: 03 November 2025 – 26 November 2025

1. Various Parties obo Minors and Another v Anglo American South Africa (Pty) Ltd (formerly Anglo American South Africa Limited); Amnesty International; The Southern African Litigation Centre; The United Nations Special Rapporteur on Toxics and Human Rights; The United Nations Special Rapporteur on Extreme Poverty and Human Rights; The United Nations Special Rapporteur on the Rights of Persons with Disabilities; The United Nations Working Group on Business and Human Rights and The United Nations Working Group on Discrimination Against Women and Girls (526/2024)

Appealed from GJ

Dates to be heard: 03 November 2025 and 04 November 2025

Molemela P, Dambuzza JA, Schippers JA, Koen JA, Norman AJA

In the Cross Appeal:

Brought by the respondent against the decision recorded in footnote 64 of the high court judgment – namely the refusal to grant Anglo’s application dated 18 January 2023 to admit into evidence the further supplementary affidavit by Mr M Schottler dated 9 December 2022 together with photographs taken at Kabwe.

Law of Delict – claim for monetary damages – judicial permission to issue a class action denied – lead exposure – whether it was reasonably foreseeable for Anglo American South Africa (Pty) Ltd (Anglo) that the mine between 1925 and 1974, might harm future generations living across the entire Kabwe district in Zambia – whether Anglo ran the mine negligently in light of the standards prevailing at the time – whether Anglo caused, factually or legally, class members’ alleged injuries – whether it is impermissible to certify classes containing foreign *peregrini* on an opt-out basis, given that this Court cannot assert jurisdiction over them unless they submit to this Court’s jurisdiction – whether it is not in the interests of justice to certify because the trial would heavily burden South African courts with what is essentially a Zambian dispute – whether the high court misdirected and acted on a wrong principle in dismissing the application for certification – whether the high court adopted the incorrect tests in rejecting the class definitions – whether it was appropriate for the certification court to exercise a choice of

law to bar adult women's claims – whether the class action is appropriate and in the interests of justice.

2. Collins Letsoalo and Road Accident Fund v Mothusi Lukhele

(332/2023)

Appealed from GP

Date to be heard: 03 November 2025

Matojane JA, Goosen JA, Molefe JA

Application for reconsideration – Rule 6(12)(c) of the Uniform Rules of Court – *audi alteram partem principle* – whether the respondent in any matter in which relief is sought against him or her has the right to be properly and timeously served and given the opportunity to oppose the relief – whether the appellants were denied that right and whether their constitutional right in terms of s 34 of the Constitution was violated – whether the urgent application should have been struck of the roll at the outset for failure to comply with the court rules – whether the court *a quo* erred in granting both the impugned order and judgment in the absence of the appellants.

3. Nolubabalo Ketshe obo Uthandiwe Ketshe v Member of the Executive Council for the Department of Health, Eastern Cape

(805/2024)

Appealed from ECB

Date to be heard: 04 November 2025

Mocumie JA, Kathree-Setiloane JA, Coppin JA, Basson AJA, Chili AJA

Law of Delict – Law of Evidence – Medical negligence – Admissibility of evidence – Claim for damages – Law of Evidence Amendment Act 45 of 1988 – whether the defendants' employees were negligent in the management of the plaintiffs' labour – whether there was any causal relationship between such[negligent] management and the minor child's condition – whether there was a proper assessment of probabilities – whether the judgments of the court *a quo* on negligence and causation is correct – whether the acceptance of hearsay material without a prior application was correctly held – and whether the assessment of expert evidence pass muster.

4. Joan Marie Muller, Astrid Muller Equestrain v Cara Dorothy Masureik, Joost Bernadus Van Lier and Howard Alexander Muller

(807/2024)

Appealed from WCC

Date to be heard: 04 November 2025

Hughes JA, Kgoele JA, Keightley JA, Bloem AJA, Opperman AJA

Application for reconsideration and oral argument – in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – Property Law – Prevention of Illegal Eviction from Unlawful Occupation of Land Act 19 of 1998 – eviction – whether the court a quo erred in holding that ownership alone justified eviction, despite the first applicant's pre-existing occupation rights – whether the doctrine of notice applies to protect the first applicants right to remain in the property – whether the sale and transfer of the property were structured in bad faith to circumvent the first applicant's actual claim – whether the eviction order was just and equitable in the circumstance – whether the sale agreement's financial clauses were coercive and unconstitutional – whether the leave application was wrongly refused and, should it grant leave to appeal and proceed to determine the merits of the appeal, it must determine whether the court a quo erred in granting an order evicting the applicants.

5. Bonatla Property Holdings Ltd (in liquidation) v Ruitersvlei Holdings (Pty) Ltd and Merchant Commercial Finance 1 (Pty) Ltd

Appellant filed notice for condonation

(770/2024)

Appealed from GJ

Date to be heard: 05 November 2025

Dambuza JA, Goosen JA, Kathree-Setiloane JA, Kubushi AJA, Opperman AJA

Company Law – Companies Act 61 of 1973 – whether the appellant had the necessary locus standi in terms of s 346 of the Companies Act to seek the first respondent's liquidation – whether a persistence with the application for winding up, while the cessions are hotly disputed, constituted an abuse of court process – whether the first respondent is able to pay its debts as envisaged in s 344(g) of the Companies Act – whether it is just and equitable for the first respondent to be liquidated in terms of s 344(h) of the Companies Act – whether the court a quo misconstrued the nature of the reversionary interest, with reference to the authorities it relied on for its finding above – what is the alleged peculiar position of insolvent cedents; the liquidation anomaly argument – whether the court a quo exercised its discretion judicially, warranting interference by the Supreme Court of Appeal.

6. The Commissioner for the South African Revenue Service v Pieter Johan Erasmus (864/2024)

Appealed from WCC – TAX COURT

Date to be heard: 05 November 2025

Mocumie JA, Keightley JA, Unterhalter JA, Bloem AJA, Nuku AJA

Tax Law – irregular step – interpretation of s 80J of the Income Tax Act 58 of 1962 – Tax Administration Act 28 of 2011 – dividends tax – procedurally fair administrative action – whether s 80J(4) of the Income Tax Act and/or Rule 31(3) of the rules promulgated under s 103 of the Tax Court Rules permit the appellant, (in his Rule 31 statement) to change both his reasons for applying the GAAR and his determination in terms of s 80B(1) of the Income Tax Act – whether in fact or in law, permit the changes brought about by the appellant in his Rule 31 Statement – whether the changes are permitted in terms of these provisions and whether the Rule 31 Statement should not have been set aside.

7. Anele Qaba and Mandela Bay Development Agency v Nelson Mandela Bay Municipality (698/2024 and 708/2024)

Appealed from ECP

Date to be heard: 06 November 2025

Makgoka JA, Schippers JA, Coppin JA

Municipal Law – contract of employment – interpretation – section 93J of the Municipal Systems Act 32 of 2000 –Municipal Finance Management Act 56 of 2003 – whether the first appellant and the second appellant concluded a valid and enforceable contract of employment – whether the absence of a signature on the performance agreement nullified the contract – whether the court a quo erred in its interpretation of the legal requirements for a valid contract in this context – whether the Intergovernmental Relations Framework Act (IFRA) is applicable – whether the regulations on appointment and conditions of employment of senior managers (the Appointment Regulations) promulgated in terms of the Municipal Systems Act, Act 32 of 2000 is applicable – whether the appointment of the First Appellant occurred in compliance with the Local Government: Municipal Regulations on Minimum Competencies issued in terms of Municipal Finance Management Act (MFMA) – whether the order made by Eksteen J was, in the circumstances, just and equitable.

8. Ebrahim Patel v South African Securitisation Programme (RF) Ltd, Sasfin Bank Ltd, Sunlyn (Pty) Ltd, Maria Elizabeth Kilfoil and Richard Henry Kilfoil (790/2024)

Appealed from MP

Date to be heard: 06 November 2025

Hughes JA, Goosen JA, Kgoele AJA

Company Law – Law of contracts – Insolvency Act 25 of 1936 – whether the Master rental agreement (MRA) which was concluded between Ezindaleni Power Solutions CC and Centrafin (Pty) Ltd was properly cancelled – whether the agreement could have been properly and lawfully cancelled where service was effected on a member and co-principal debtor (Ezindaleni was already placed under final liquidation and liquidators appointed) – whether the court *a quo* could have found that the agreement was cancelled by statute and in terms of s 37 of the Insolvency Act, where reliance on such claim for cancellation was never placed nor relied on by the first and third respondents – whether the first respondent can nevertheless sustain a claim for specific performance in terms of clause 8.2 of the MRA if the MRA was not properly cancelled.

9. Deon Smith, Ellen Louise Smith and Nadelei CC v Sasfin Bank and Sunlyn (Pty) Ltd (507/2024)

Appealed from GP

Date to be heard: 06 November 2025

Meyer JA, Matojane JA, Molefe JA, Cloete AJA, Nuku AJA

Civil Law and Procedure – Uniform Rules of Court – whether or not the appellants were in wilful default; whether the appellants provided a reasonable explanation for their default – whether the appellants provided a bona fide defence to the Respondents' claim – whether the two default judgements by the registrar co-exists, both being against the first and second appellants, a duplication of judgements – whether the two default judgement orders were erroneously sought and granted – whether the court *a quo* should have considered the rescission application not only in terms of rule 31(2)(b), but also in terms of rule 42 of the Uniform Rules of Court and the common law – whether, on similar facts in between the same parties under case number 300728/2021 the court *a quo* rescinded that specific judgement but in this similar application, the court *a quo* did not – whether the administration of justice will be brought into disrepute under different circumstances where there are two similar default judgements granted by the registrar and one judge in the court *a quo* sets aside a judgement on similar facts and

under similar circumstances as in the current application but in this matter the court a quo does not.

10. Mafoko Security Patrols (Pty) Ltd, Mafoko Security Supplies (Pty) (Ltd), Mafoko Security Services (Pty) Ltd v Mjayeli Security (Pty) Ltd, Special Investigation Unit, The South African Broadcasting Corporation SOC Limited, Kyanyisile Kweyama, Mathatha Tsedu, Febbe Potgieter-Gqubule, Johan Matisson and President of South Africa (590/2024)

Appealed from GJ

Date to be heard: 07 November 2025

Zondi DP, Smith JA, Unterhalter JA, Basson AJA, Kubushi AJA

Constitutional Law – section 172(1)(b) of the Constitution – principle of law in the exercise of a remedial discretion – whether the court a quo erred and applied the wrong principles in law in the exercise of its discretion – whether this Court may interfere with the court a quo exercise of its remedial discretion and if so, the appropriate remedy that should be ordered.

11. Showroom Centre (Pty) Ltd, Siyathembana Project Management & Development (Pty) Ltd and Stephen Zagey v Ronald Kagan (573/2024)

Appealed from GJ

Date to be heard: 07 November 2025

Mocumie JA, Kathree-Setiloane JA, Koen JA

Law of Civil Procedure – special leave to appeal – oral argument in terms of s 17(2)(d) of the Superior Courts Act 10 of 2013 – reconsideration – whether the applicants’ have met the strict threshold for the granting of leave to appeal in circumstances where the applicants instated an application before the court a quo seeking the stay of the main action between the parties and the upliftment of a bar on the applicants due to their failure to timeously deliver a plea or exception - whether the applicants were entitled to ancillary relief against the respondent after the respondent based capitulated to the applicants’ stay application based on the respondent’s failure to pay previous costs orders – whether the applicants set out sufficient explanation for the default or bona fide defence with a prima facie prospect of success before the court a quo.

12. G.U.D. Holdings (Pty) Ltd v Companies and Intellectual Property Commission, Companies Tribunal and Khatija Tootla N O

(818/2024)

Appealed from GP

Date to be heard: 07 November 2025

Meyer JA, Kgoele JA, Keightley JA, Coppin JA, Dawood AJA

Company Law – Companies Act 71 of 2008– companies and intellectual property commission – whether the court a quo was correct in finding that the Tribunal erred when it overturned the decision of the Commission and granted G.U.D.’s application for an order that its 2020 AFS was confidential in terms of s 212 of the Companies Act – whether the interpretation of s 212, read together with s 5(1), s7(b)(iii) and s 172 of the Companies Act is correct – whether the decision penned by the third respondent should be reviewed and set aside.

13. Nelson Mandela Bay Metropolitan Municipality v Siyalanda Property Development (Pty) Ltd

(789/2024)

Appealed from ECM

Date to be heard: 10 November 2025

Makgoka JA, Keightley JA, Koen JA, Bloem JA, Opperman AJA

Special leave to appeal in terms of s 16(1)(b) read with s 17(3) of the Superior Courts Act 10 of 2013

Law of Property – Interpretation – Port Elizabeth Zoning Scheme Regulations – whether Erf 3783 Summerstrand was created for residential purposes as envisaged by Regulation 9.3.1.2 of the Port Elizabeth Zoning Scheme Regulations – whether the Site Development Plan (“the first SDP”) submitted by the respondent for approval in terms of Regulation 11 of the Scheme, in respect of the proposed development should make provision for open space in the ratio as prescribed in Regulation 9.3 of the Scheme and the first SDP submitted for approval.

14. Waterford Estate Homeowners’ Association NPC v Riverside Lodge Body Corporate, 101 Owners of Units in Riverside Lodge Sectional Title Scheme, Khosi Mabaso, The Community Schemes Ombud Service, The Chairperson of the Board of the Community Schemes Ombud Service, The Chief Ombud of the Community Schemes Ombud Service, The Ombud for the Gauteng Regional Office, The Minister of Human Settlements of South Africa

(819/2024)

Appealed from GJ

Date to be heard: 10 November 2025

Schippers JA, Hughes JA, Smith JA, Cloete AJA, Chili AJA

Municipal Law – Community Schemes Ombud Services Act 9 of 2011 – Prescribed Rate of Interest Act 55 of 1975 – whether the adjudicator made a reviewable error in deciding that the second to 102nd respondents (collectively “the unit owners”) are not members of the appellant, and if so, what just and equitable relief should be granted – whether the adjudicator made a reviewable error in deciding that the appellants incorrectly levied contributions on the Riverside respondents for the 2017-2018 financial years – whether the adjudicator made a reviewable error in deciding that the appellants levied unreasonable contributions on the Riverside respondents for the 2019-2020 financial years – whether the adjudicator made a reviewable error in deciding what interest is payable by the Riverside respondents on overdue amounts to the appellant – whether s 39(1)(c) of the Community Schemes Ombud Services Act 9 of 2011 (“the Act”) is unconstitutional insofar as it empowers an adjudicator to declare contributions levied on owners unreasonable and to order an adjustment to a reasonable amount – whether the adjudicator was empowered to order that Riverside was to pay Waterford interest in respect of the contributions levied for 2017 and 2018 at a rate below the rate which is provided for in terms of s1(1) of the Prescribed Rate of Interest Act.

15. Agile Capital Holdings (Pty) Limited v 68 Melville Road Properties (Pty) Limited and 9 other matters.

(918/2024)

Appealed from GJ

Date to be heard: 11 November 2025

Makgoka JA, Goosen JA, Keightley JA, Chili AJA, Nuku AJA

Law of Evidence – section 3 of the Law of Evidence Amendment Act 45 of 1988 – section 34 of the Civil Proceedings Evidence Act 25 of 1965 – whether the full court correctly invoked s 3 of the Law of Evidence Amendment Act, both procedurally and substantively – whether the full court ought to have held the parties to the expert determination clause in their agreement – whether the full court correctly invoked s 3 of the Law of Evidence Amendment Act, both procedurally and substantively – whether the court had jurisdiction to decide the matter as the Total Base Development Cost was in dispute.

16. Msunduzi Municipality v Capital City Housing NPC, Peter Hendrick Strydom N.O., The South African Local Government Association, The Minister of Co-Operative Government and Traditional Affairs, The MEC for Co-Operative Government and Traditional Affairs, Kwazulu-Natal, The Minister of Finance, The Minister of Human Settlement and the MEC for Human Settlement, Kwazulu-Natal (823/2024)

Appealed from KZP

Date to be heard: 11 November 2025

Matojane JA, Kgoele JA, Coppin JA, Cloete AJA, Opperman AJA

Municipal Law – rates on property and surcharges on fees for services provided by or on behalf of municipality – Local Government: Municipal Property Rates Act 6 of 2004 – section 26 (rights of access to adequate housing) – sections 9 and 1 (rationality and equality) – whether the Rates Act and the 2020/2021 Msunduzi Municipality Rates Policy are unconstitutional on account of the definition of ‘specified public benefit activities’ in the Rates Act and the near identical definition of ‘public benefit organisation property’ in the Msunduzi Rates Policy – if unconstitutional, what relief should be granted in terms of s 172(1)(b) of the Constitution – whether it was competent for the court a quo to compel the appellant to determine an additional category of rateable property in terms of s 8(3) of the Rates Act.

17. Nkwe Platinum Limited, Nkwe Platinum SA (Pty) Ltd v Genorah Resources (Pty) Ltd, Minister of Mineral Resources and Energy, Director General of the Department of Mineral Resources and Energy, Regional Manager: Limpopo Region of the Department of Mineral Resources and Energy, The Garatouw 282 KT Community Development Trust, The Konephuti Socio Economic Development Trust, The Mabhedla Tribal Authority and The Komane Tribal Authority (921/2024)

Appealed from GP

Date to be heard: 12 November 2025

Zondi DP, Schippers JA, Hughes JA, Dawood AJA, Norman AJA

Company Law – Environmental Law – agreement – Mineral and Petroleum Resources Development Act 28 of 2002 – whether the conclusion of the Amalgamation Agreement resulted in the cessation of Nkwe and/ or the deregistration of Nkwe within the meaning of s 56 of the MPRDA – whether the conclusion of the Amalgamation Agreement resulted in the transfer or disposal of Nkwe’s interest in the Garatouw Mining Right or a change in the control

of Nkwe – whether the implementation of the amalgamation agreement resulted in the impermissible transfer, disposal of its share in the mining right, or change of control or controlling interest in the original NKP under s 11(1) of the MPRDA – whether Genorah satisfied the requirements for the final interdict it sought before the high court – whether the amalgamation agreement must be interpreted purposively under South African law, specifically in the context of the MPRDA – whether the appellants’ application to strike out had any merit.

18. Tongaat Hulett Limited(In Business Rescue), Tongaat Hullett Sugar South Africa (Pty) Ltd (In Business Rescue), Trevor John Murgatroyd N O , Petrus Francois Van Den Steen N O , Gerhard Conrad Albertyn N O v South African Sugar Association, S.A Sugar Export Corporation (Pty) Ltd, Minister of Trade, Industry and Competition, South African Sugar Millers’ Association NPC, South African Farmers’ Development Association NPC RCL Food Sugar & Milling (Pty) Ltd, Illovo Sugar (South Africa) Pty Ltd, Gledhow Sugar Company (Pty) Ltd, Harry Sidney Spain N O, UCL Company (Pty) Ltd, All Registered Growers and The affected persons in THL’s Business rescue (945/2024)

Appealed from KZD

Date to be heard: 12 November 2025

Dambuza JA, Goosen JA, Smith JA, Coppin JA, Basson AJA

Company Law – Business Rescue – statutory interpretation – Companies Act 71 of 2008 – section 136(2)(a)(ii) – whether properly interpreted, s 136(2)(a)(ii) of the Act with the definition of agreement allows for the Business Rescue Practitioners to suspend for the duration of the business rescue proceedings, payment obligations that arise under the SI agreement – proper interpretation of the true nature of the SI agreement and whether it is statutory in nature – whether s 136(2)(a)(ii) is irrational and accordingly contravenes the rule of law in s 1 of the Constitution and arbitrarily differentiates between creditors in breach of s 9(1) of the Constitution .

19. Newnet Property (Pty) Ltd t/a Sunshine Hospital v The Road Accident Fund and Collins Phutjane Letsoalo (932/2024)

Appealed from GP

Date to be heard: 12 November 2025

Meyer JA, Molefe JA, Kathree-Setiloane JA

Law of Civil Procedure – Road Accident Fund – Road Accident Fund Act 56 of 1996 – whether the RAF should be directed to comply with judgments granted against it within seven days, given that the court *a quo* had found that this relief is urgent – whether *Nyathi v MEC of Department of Health Gauteng* apply to the RAF despite the RAF being a public entity as opposed to an organ of state – whether the second respondent, the CEO of the RAF, by virtue of the statutory duties and responsibilities imposed on him, as manager of the day-to-day business of the RAF, renders him a person having substantial interest in the execution of orders for payment, and justifies the relief sought against him to ensure compliance by the RAF of judgement against it – whether the appellant is attempting to change the nature of its own orders from being *ad pecuniam solvendam* to *ad factum pristandum* and if so whether such change is competent – whether the court *a quo* erred in dismissing the application on the basis of the point of law – whether the court *a quo* correctly distinguished Newnet’s case from the case of *Nyathi v MEC for the Department of Health Gauteng and Another 2008 [5] SA 94 [CC]*.

20. South African Heritage Resources Agency (SAHRA), Robben Island Museum, Department of Sport, Arts and Culture v Dr. Makaziwe Mandela, Guernsey’s Auction House (A Division of Barlan Enterprises Limited), Arlan Ettinger, Christo Brand, David Parr

(825/2024)

Appealed from GP

Date to be heard: 13 November 2025

Mocumie JA, Meyer JA, Kgoele JA, Koen JA, Norman AJA

Administrative Law – Statutory Interpretation – Heritage Object – National Heritage Resources Act 25 of 1999 (NHR) – section 3(1) – whether the full court’s decision of a dismissal of the application for a final interdict is appealable – whether the full court was wrong in its application of the admitted facts to the NHR – whether in the absence of any challenge to any provision of the NHR and or two regulatory declarations, the court of quo erred in failing to apply the relevant provisions of those instruments to the moveable items at issue in the application (Mandela objects) and, instead, in seeking to interpret them, formulating a flawed definition of : ‘heritage object’, into which the Mandela objects were found by that Court not to have been ‘clearly indicated’ to fall, such that in the case ‘collapses in its entirety’ – whether the court *a quo* erred in dismissing an application for interdictory relief set out in an amended

notice of motion – whether the fourth respondent’s two items (being his broken key and copy of the Constitution) are heritage objects.

21. Samuel Alfred Schoonhoven N O, Johannes Frans Alfonsies Schoonhoven N O, Jean Johannes Schoonhoven N O, Frans Riaan Marx N O v Pieter Cornelius Antonius Schoonhoven and Twelve others.

(791/2024)

Appealed from KZP

Date to be heard: 13 November 2025

Schippers JA, Unterhalter JA, Coppin JA, Basson AJA, Bloem AJA

Law of Succession – Law of Trust – interpretation of trust deed – whether the founder of the Trust had selected the capital beneficiaries of the Trust upon termination of the Trust in his Will, by way of testamentary reservation contained in the trust deed – whether on a proper interpretation of the trust deed, the trustees are entitled to select the capital beneficiaries who will benefit from the trust fund on termination of the Trust – whether the relief sought by the appellants amounts to a rectification of the Trust Deed – whether the appellants ought to have brought an action for rectification of the trust deed, such rectification to reflect who had the power to nominate the capital beneficiaries.

22. City of Tshwane Metropolitan Municipality v Summer Season Trading 63 (Pty) Ltd and The Illegal Occupies of The Remaining Extent of Portion 34 of The Farm Kameellzynkraal JR

(988/2024 and 831/2024)

Appealed from GP

Date to be heard: 13 November 2025

Hughes JA, Goosen JA, Molefe JA, Kubushi AJA, Cloete AJA

Law of Property – eviction – expropriation – Expropriation Act 63 of 1975 – whether the court a quo erred in ordering the City to relocate the occupiers to the portion or portions of the Farm 370 Donkerhoek JR without obtaining affidavits or reports about the suitability of such property to accommodate the occupiers – whether the court a quo erred in finding that the City was precluded from expropriating the property which forms the subject of an eviction order dated 30 April 2013 by Muller AJ – whether the court a quo erred by finding that the City Was not empowered by s 79(24)(a)(i) of Local Government Ordinance 1939 read with s 5 of the Expropriation Act 63 of 1975 to expropriate Summer Season’s property (Remaining Extent

of Portion 34 of farm Kameelzyn 547 Registration Division JR) – whether the court a quo erred in ordering a punitive cost order against the City – whether the court a quo erred in ordering punitive cost order against the City – whether an extant eviction order prohibit the expropriation of property in all cases by an organ of state that is entitled to expropriate property, if not, whether it is just and equitable in this case to uphold the second respondent’s decision to expropriate the first respondent’s property despite the procedural irregularities in the expropriation process.

**23. Jurnic Properties Close Corporation, July Motors Close Corporation v Victor Khanye Local Municipality, The Mpumalanga Department of Agriculture, Rural Development, Land and Environmental Affairs, Dalamay Properties (Pty) Ltd, Eohbal Dawood Omar, The Registrar of Deeds Mpumalanga
(652/2024)**

Appealed from MPM

Date to be heard: 14 November 2025

Zondi DP, Kgoele JA, Smith JA, Dawood AJA, Kubushi AJA

Administrative Law – Superior Courts Act 10 2013 – review application – rezoning of property – whether J & J have reasonable prospects of success in the appeal justifying the granting of their application for leave to appeal, if so — whether J & J have the necessary standing in challenging such actions – whether J & J unreasonably delayed in their challenge of the administrative action – whether J & J exhausted their internal remedies before instituting their review application – whether any irregularity exists that justifies the review and setting aside of the administrative actions concerned – in the event of an irregularity, whether it would be just and equitable in terms of s 172(1)(b) of the Constitution to set aside any of the administrative actions concerned.

**24. African National Congress v Umkhonto Wesizwe Party and Electoral Commission of South Africa
(991/2024)**

Appealed from KZD

Date to be heard: 14 November 2025

Dambuza JA, Mocumie JA, Molefe JA, Unterhalter JA, Opperman AJA

Intellectual Property Law – Jurisdiction – Trade Marks Act 194 of 1993 – whether the high court and this Court have jurisdiction to determine trade mark infringement and passing off

proceedings where the infringing marks have been registered as the names and symbols of a political party in terms of the Electoral Commission Act – whether the MK Party has infringed the ANC’s registered warrior logo under s 34(1) of the Trade Marks Act by using a mark which is confusingly similar to the registered mark, in respect of the services for which the registered warrior logo mark is registered should be sequestrated – whether adoption of the name uMkhonto weSizwe amounts to passing off – whether the delay of a few months in bringing proceedings for trade mark infringement and passing off constituted a legitimate basis for a court’s refusal to grant interdictory relief.

**25. Tourvest Holdings (Pty) Ltd v Murti Anu Rekha
(806/2024)**

Appealed from GJ

Date to be heard: 14 November 2025

Meyer JA, Kathree-Setiloane JA, Koen JA, Basson AJA, Chili AJA

Law of Delict – claim for damages – injuries - exemption clauses – whether an agreement exempting the appellant from liability was concluded – whether such an agreement is binding.

**26. The Commissioner for the South African Revenue Service v Richards Bay Mining
(Pty) Ltd
(1006/2024)**

Appealed from GP

Date to be heard: 17 November 2025

Makgoka JA, Schippers JA, Kgoele JA, Dawood AJA, Bloem AJA

Tax Law - Tax Administration Act 28 of 2011 (TAA) – South African Revenue Service Act 34 of 1997 – Mineral and Petroleum Resources Royalty Act 28 of 2008 – whether SARS’ objection to the jurisdiction of the court below to grant the relief sought by Richard’s Bay Mining (RBM) should be upheld – whether a direction was required under s 105 of the TAA before the court below could exercise its discretion to grant the declaratory order sought – whether such discretion was necessary and whether the internal remedies provided by the TAA in respect of objections by taxpayers to assessments by SARS ought to have been exhausted by RBM – whether exceptional circumstances existed, within the meaning of s 7(2) of the Promotion of Administrative Justice Act 3 of 2010 (PAJA) entitling RBM to approach the high court directly for the relief sought without first exhausting the internal remedies under Chapter 9 of the TAA – whether RBM has made out a case for the declaratory relief sought by it in terms of s 21(1)(c)

of the Superior Courts Act – whether the calculation of the liability for royalties must be performed in respect of “that mineral” which is transferred, at the time of the transfer, as contended by the Commissioner 9a per-mineral approach) or whether the unrefined mineral resources transferred by RBM during the year of assessment must be aggregated and single percentage applied thereto, as contended by the respondent – whether the high court correctly interpreted s 4(2) of the Mineral and Petroleum Resources Royalty Act – whether if s105 of the Tax Administration Act does apply, whether a direction as contemplated by this provision should be made and the application for declaratory relief be entertained on that basis – whether RBM has made out a case for declaratory relief in terms of s 21(1)(c) of the Superior Courts Act 10 of 2013.

27. The Commissioner for the South African Revenue Service v Billion Star (PTY) LTD (894/2024)

Appealed from GP

Date to be heard: 17 November 2025

Hughes JA, Molefe JA, Koen JA, Nuku AJA, Opperman AJA

Tax Law – Tax Administration Act 28 of 2011 – whether this Court is entitled to interfere with the discretion of the court a quo and to set aside its order setting aside the warrant granted to SARS on an ex parte basis – whether the court a quo was empowered to limit the ambit of the warrant – whether the court a quo erred in its interpretation of the consent order.

28. African Banking Corporation of Zambia Limited, African Banking Corporation of Botswana Limited; Standard Chartered Bank Limited Johannesburg Branch; Standard Chartered Bank Botswana Limited v Mapula Solutions (Pty) Ltd (766/2024)

Appealed from GJ

Date to be heard: 18 November 2025

Mocumie JA, Schippers JA, Coppin JA, Nuku AJA, Norman AJA

Law of Contract – claim for damages – whether the claim is one for reflective loss, and which is dispositive of the appeal – whether the Leonox fraud (which had nothing to do with the appellants) ultimately caused the loss claimed by Mapula against the appellants, which is disposition of appeal – whether the conduct cited by Mapula as breaches of the Debt Rescheduling Agreement (DRA) are, in fact, and law, breaches – whether the damages claimed by Mapula have been proven – whether the appellants acted with a common purpose in breach

of the DRA, justifying them being held jointly and severally liable – whether Mr. Meiring was a credible witness, as found by the court a quo; and – whether the misdirection of the court a quo constituted compelling reasons for the appeal to be granted – whether collectively or individually), their liability (being contractual in nature) is joint and several – whether the court a quo was correct in accepting the evidence of the respondent’s expert witness in preference to that of the appellants expert – whether the method of calculation is correct.

29. Mananyana Jane Moloi v Road Accident Fund

(333/2024)

Appealed from FB

Date to be heard: 18 November 2025

Matojane JA, Unterhalter JA, Koen JA, Dawood AJA, Kubushi AJA

Law of Delict – Special leave – whether the applicant has made out a case for special leave to appeal and whether this Court should grant the applicant special leave to appeal – whether if special leave is granted the appeal against the judgements and orders of the court a quo and the full bench should be upheld with costs – whether if special leave is granted both the court a quo and full bench erred in not allowing or granting the applicant’s future loss of earnings claim, inter alia, after a claim for past loss was granted – whether the future loss earnings claim was founded on uncontested expert evidence, being the best evidence available.

30. Malakite Body Corporate and Greenstone Crest Body Corporate v City of Johannesburg Metropolitan Municipality and City of Power Johannesburg SOC LTD

(832/2024)

Appealed from GJ

Date to be heard: 19 November 2025

Dambuza JA, Smith JA, Coppin JA, Chili AJA, Nuku AJA

Municipal Law – Tariff policy – interpretation – whether a residential estate of some 900 residential units, including a small private restaurant only open to residents and a small free gym only open to residents constituted mixed domestic and non-domestic loads’ as set out in the first respondent’s Tariff Policy.

31. Mary Fisher, Puso Fisher v The Silverbirch Estate Homeowners’ Association (NPC) (REG NO: 2005/003035/08), Johannes Jochimus Heyneke, Avril Counter, The Companies and Intellectual Property Commission (CIPC), Keleboile Ntsane

(447/2024)

Appealed from GP

Date to be heard: 19 November 2025

Mocumie JA, Goosen JA, Molefe JA, Cloete AJA, Opperman AJA

Law of Civil Procedure - Rule 7(1) of the Uniform Rules – Company Law – Company Act 71 of 2008 – whether the appellants were denied a fair hearing and the court a quo pre-empted the outcome of the matter that was before it – whether the court a quo was inconsistent in its application of the law, established legal principles and whether there are conflicting judgements in respect of the legal findings of the court a quo – whether the appellants were prejudiced by the court a quo’s inconsistent application of Articles of Incorporation and the Companies Act – whether the court a quo made judicial ruling with false factual premises and whether the court a quo’s order is causing material and irreparable harm to the appellants – whether serious questions of law are raised and the appellant’s case is of public importance.

32. JP Fourie N O and S M Rampoporo N O v The Master of the High Court Mahikeng and South African Restructuring and Insolvency Practitioners Association NPC (“SARIPA”)

(959/2024)

Appealed from NWM

Date to be heard: 19 November 2025

Matojane JA, Kgoele JA, Keightley JA, Basson AJA, Kubushi AJA

Company law – Companies Act 61 of 1973 – Insolvency Act 24 of 1936 – whether in the absence of voting at a first meeting of creditors in terms of s 364(1) of the Companies Act 61 of 1973, the Master is obligated to appoint provisional liquidators who are at the time in office as final liquidators, or whether the Master has a discretion to appoint different persons as final liquidators.

33. Baseline Civil Contractors (Pty) Ltd v The Commission for the South African Revenue Service

(893/2024)

Appealed from WCC

Date to be heard: 20 November 2025

Zondi DP, Goosen JA, Kathree-Setiloane JA, Opperman AJA, Norman AJA

Tax Law – Income Tax Act 58 of 1962 – Tax Administration Act 28 of 2011 – whether on the correct interpretation of Tax Court Rule 32(2), the appellant is entitled to rely on the aforesaid new ground of appeal in the pending trial proceedings of the underlying tax appeal.

**34. Sean Christensen N O, Jabulani Khumalo N O v Lilianne De Magalhaes
(763/2024)**

Appealed from GP

Date to be heard: 20 November 2025

Dambuza JA, Hughes JA, Koen JA, Cloete AJA, Bloem AJA

Application for Special leave to appeal of the Superior Courts Act 10 of 2013 – referred for oral argument – Law of Insolvency – whether the Applicants should be granted special leave to appeal – whether the full bench correctly interpreted and applied the onus under s 21(2)(c) of the Insolvency Act 24 of 1963 – whether the respondent as the solvent spouse discharged the onus of proving that she acquired funds from the sale of an immovable property registered in her name by title valid against the creditors of her husband's insolvent estate.

**35. Lexisnexis South Africa (Pty) Ltd v The Minister of Justice and Constitutional Development
(1018/2024)**

Appealed from GP

Date to be heard: 20 November 2025

Meyer JA, Kgole JA, Keightley JA, Dawood AJA, Chili AJA

Law of Civil Procedure – interpretation – Electronic Communications and Transactions Act 25 of 2002 – whether the words ‘in the presence of’ in Regulation 3 of the Regulations Governing the Administering of an Oath or Affirmation, published under Government GN 1258 in GG 3619 dated 21 July 1972 are to be broadly interpreted to include the administration of an oath or affirmation by means of live electronic communication, consisting of simultaneous audio and visual components.

**36. Sinhle Inosacia Sambo v Road Accident Fund
(1043/2024)**

Appealed from MP

Date to be heard: 21 November 2025

Mocumie JA, Makgoka JA, Schippers JA, Smith JA, Chili AJA

Law of Delict – claim for loss of support – illegality of deceased income – maintenance – contingency deductions – whether it is legally competent for a court to recognise a claim by dependent in circumstances where the deceased had earned his income from unlawful means

37. Skhumbuzo Zulu v Vikizitha R Mlotshwa, Silungile B Dumisa, Ahmed M Shaik Emam

(004/2024)

Appealed from KZP

Date to be heard: 21 November 2025

Hughes JA, Meyer JA, Kathree-Setiloane JA, Unterhalter JA, Bloem AJA

Law of Civil Procedure – settlement agreement – interim executive issued – whether the 2019 Conference, held at Ulundi, was lawful and whether the decision taken at that conference are valid and enforceable.

36. Caledon River Properties (PTY)LTD T/A Magwa Construction, Profteam CC v The Special Investigation Unit, National Department of Public Works and Infrastructure (375/2024 and 419/2024)

Appealed from GP

Date to be heard: 21 November 2025

Matojane JA, Molefe JA, Coppin JA, Basson AJA, Norman AJA

Constitutional Law – section 172(1)(b) of the Constitution – remedy – constitutional invalidity – whether the court a quo could divest the first appellant from profit pursuant to the contract – whether in the absence of any evidence of loss or prejudice to the Department of Public Works as a result of the invalidity of the contract, the first appellant is entitled to payment of the full contract price despite the declaration of invalidity – whether the Special Tribunal and full court exercised their discretion judicially or have been influenced by wrong principles or misdirection of the facts – whether a person contracting with an organ of state in good faith is entitled to assume that the organ of state has complied with its internal arrangements and formalities.

39. The Commissioner for the South African Revenue Service v Mining Pressure Systems (Pty) Ltd (565/2023)

Appealed from GP

Date to be heard: 24 November 2025

Zondi DP, Matojane JA, Goosen JA, Coppin JA, Dawood AJA

Tax law – Customs and Excise Act 91 of 1964 (the Act) – correct tariff classification of goods under the Act – whether goods described as ‘carbon steel seamless pipes API 5LX42 PSLI MLS’ are steel pipes classified under TH7304.1 or TH7304.3.

40. The Road Accident Fund, Msibi T N O, Letsoalo C N O v Lesedi Dikeledi Mautla, Antoinnette Elizabeth Bianca Steyn, Germari Dippenaar, Johannes Christoffel Strauss, Nomthandazo Elizabeth Siluma, Sinovuyo Kuboko, Nonhlanhla Cecilia Radebe, Opola Ndimma, W E Emergency Respond Team (PTY) Ltd, The Minister of Transport, The Legal Practice Council

(414/2024)

Appealed from GP

Date to be heard: 24 November 2025

Makgoka JA, Smith JA, Keightly JA

Application for reconsideration and oral argument – in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 Law of Civil Procedure – Regulation 7(1) of the Road Accident Fund Regulations – interpretation – special leave – whether the applicant has made out a case that there are reasonable prospects of success– whether there are some other compelling reason why the appeal should be heard – whether the court a quo erred in declaring Regulation 7(1) of the RAF Regulations unconstitutional, unlawful and invalid to the extent that it confers powers upon the RAF to amend or substitute the RAF 1 form – whether the court a quo had misdirected itself in the interpretation of the RAF 1 form against the objections of ss 24(1), (4) and (5), read with ss 3, 4(1)(a), (b) and (g), 11(1)(d) of the Act – whether the amendment of the RAF 1 form, which is an attachment to the RAF Regulations, constituted an amendment to the Regulations each time the RAF 1 Form is revised or replaced, as authorised by Regulation 7(1) of the RAF Regulations.

41. Lebohang Michael Sondhlane v The South African Legal Practice Council

(082/2025)

Appealed from FS

Date to be heard: 24 November 2025

Schippers JA, Kathree-Setiloane JA, Unterhalter JA, Kubushi AJA, Cloete AJA

Law of Civil Procedure – Development of the common law – Legal Practice Act 28 of 2014 – automatic appeal in terms of s 18 of Act 10 of 2013 – whether the common law should be developed in that the respondent is obliged to comply with the provisions of s 41, read with the provisions of s 44.1 of the Legal Practice Act 28 of 2014 (Legal Practice Act) – whether the said provisions should be made peremptory prior to the institution of any applications in which it is sought that, legal practitioners be struck from the roll of legal practitioners – whether the provisions of ss 37-39 of the Legal Practice Act be made peremptory in that, the respondent be precluded in proceedings with matters of striking off legal practitioners without holding a disciplinary hearing and more specifically subjecting the appellant before the Disciplinary Committee prior to the application being brought against him – whether this Court can make a mandatory provision to the Banks and Financial institutions to comply with the provisions of s 91 of the Legal Practice Act prior to them releasing the bank statements and/or financial information relating to accounts held on trusts by legal practitioners – whether or not this appeal is moot in view of the fact that the appellant filed the application for leave to appeal out of time – whether the appellant’s delay in noting the appeal should be condoned – whether the court a quo was justified, on the facts, to grant the execution order – whether the respondent failed to establish exceptional circumstances which enabled the court a quo granting an order in terms of which the appellant’s application for leave to appeal, did not suspend the strike off order in terms of the *ex tempore* judgment handed down on 07 March 2024 – whether the appellant suffered irreparable harm – whether the appellant was entitled to an order in which the said application was dismissed with punitive costs award in his favour.

42. Sasol Financing International PLC and Sasol Financing (Pty) Ltd v The Commissioner for the South African Revenue Service and Minister of Finance (1202/2024)

Appealed from GP

Date to be heard: 25 November 2025

Schippers JA, Hughes JA, Unterhalter JA, Bloem AJA, Nuku AJA

Constitutional Law – Constitution of South Africa Act 108 of 1996 – whether the first review and second review is just administrative action in terms of s 33 of the Constitution – whether the development of the common law would give effect to appellants’ rights to relief on the basis of a substantive legitimate expectation in terms of s 39(2) of the Constitution – if so, whether s 270 of the Tax Administration Act 28 of 2011 (TAA), which permits the levying of understatement penalties retroactively is unconstitutional and invalid.

Tax Law – Tax Administrative Act 28 of 2011 – review – Promotion of Administrative Justice Act 3 of 2000 – whether the registration decision was unlawful and should be set aside because SARS applied the new test set out in Interpretation Note 6 Issue 2 or a new combination of Note 6-2 and Note 6, with retrospective effect – whether the assessments are time-barred by s 99(1)(a), read with 99(1)(d) of the TAA – whether the understatement penalty should be set aside as SARS retrospectively raised understatement penalties when this was not the penalty regime authorised by the TAA – whether SARS violated the appellants' legitimate expectations – whether SARS's decisions were unreasonable and unlawfully delayed.

**43. Mmalatlha Jerita Mamabolo v Maggy Mamabolo; Iris Semakaleng Makgatho; Patric Makgatho; Ngobeni John; Ngobeni Clementine; Master of the High Court: Pretoria; The Registrar of Deeds; City of Tshwane Municipality
(087/2023)**

Appealed from GP

Date to be heard: 25 November 2025

Meyer JA, Koen JA, Chili AJA

Law of Succession – matrimonial property – application for condonation for late filing of record and reinstatement of appeal – unlawful disposal of immovable property forming part of a joint estate – whether under the Matrimonial Property Act 88 of 1984 a surviving spouse in community of property acquires a real right in the joint estate upon death of the other spouse or merely a personal right against the estate – whether property in a joint estate may be inherited prior to the division of the joint estate – interpretation of the Administration of Estates Act 66 of 1965 – whether the disposal of property in a joint estate without prior consent of the other spouse constitutes invalidity or criminal conduct.

**44. Mugiyo Ulrich Mabunda v The State
(194/2024)**

Appealed from MP

Date to be heard: 25 November 2025

Matojane JA, Goosen JA, Molefe JA

Application for reconsideration and oral argument – in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – Criminal Law and Procedure – conviction and sentence – Criminal Procedure Act 57 of 1977 – Criminal Law Amendment Act 105 of 1977 – whether the order of the Supreme Court of Appeal dismissing the applicant's for leave to appeal against

conviction and sentence should be reconsidered or varied – whether leave to appeal against conviction and sentence ought to be granted by this Court – whether the applicant was correctly convicted of premeditated murder – whether the sentence of life imprisonment was appropriate.

45. Merchant Commercial Finance 1 (Pty) Ltd t/a Merchants Factors v Annenprop 3 (Pty) Ltd (930/2024)

Appealed from WCC

Date to be heard: 26 November 2025

Dambuza JA, Molefe JA, Kgoele JA, Nuku AJA, Opperman AJA

Property Law – claim for damages – whether or not the appellant was in unlawful occupation of the property in question at any material time, and if so, during which period(s) – whether the appellant accessed the property on 3 March 2019 – whether the holding of a joint inspection of the property and the joint production of a signed recordal of any damage to the property identified during such joint inspection is a precondition for the enforcement of the appellant’s undertaking to make good any further damage (i.e damage not recorded during and thus caused after the joint inspection) – whether the appellant was placed in occupation/possession of the property when the sheriff changed the locks to the property, gave the keys thereof to the appellant and handed the business and attached assets over to the appellant – whether the appellant unlawfully occupied and/or trespassed on the property for the period 1 November 2018 to 28 February 2019 (or any part thereof) – whether thirteen days of rental should be deducted from the respondent’s claim A, – whether the court a quo erred in not finding that appellant was liable to respondent for damages to the property – whether the court a quo erred in dismissing claims C and D.