

REPUBLIC OF SOUTH AFRICA

SUPREME COURT OF APPEAL

BULLETIN 1 OF 2026

CASES ENROLLED FOR HEARING: 15 February 2026 – 31 March 2026

Out of Term Appeal hearing: Virtual

B E Mostert v N Mostert

(505/2025)

Appeal from WCC

Date to be heard: 3 February 2026

Molemela P, Zondi DP, Mocumie JA, Steyn AJA, Govindjee AJA

1. Discovery Health (Pty) Ltd v Road Accident Fund and Chief Executive Officer of the Road Accident Fund: Collins Phutjhane Letsoalo

(372/2025)

Appeal from GP

Date to be heard: 16 February 2026

Makgoka JA, Nicholls JA, Coppin JA, Steyn AJA, Dippenaar AJA

Law of Delict – Law of Civil Procedure – Road Accident Fund Act 56 of 1996 – *res inter alios acta principle* – *subrogation principle* – whether the judgment dated 27 October by Judge Mbongwe (Mbongwe judgment) is *res judicata* – whether the Mbongwe judgment is correct – whether the RAF’s new justification in the second and third directives are bad in law – whether the majority of the full court’s approach to the *res inter alios acta* principle was mistake – whether the principle of subrogation applies to claims submitted against the RAF in the context of medical schemes and their payment of past medical expenses – whether the majority erred in dismissing the application on the basis that the second and third directives were not declared invalid by the Mbongwe judgment and are therefore not *res judicata* – whether the majority correctly found that the appellant had not made out a case for an interdict against the RAF for implementing subsequent directives – whether the majority correctly found that the appellant did not make out a case of unlawfulness of the second and third directives – whether the majority correctly found that the principles of *res inter alios acta* and subrogation ought not to apply to the first respondent and medical schemes – whether a personal cost issue can be granted against the second respondent – whether an order for the incarceration of the second respondent can be granted – whether the court a quo correctly held that the application to strike

out raised by the second respondent, was justified and that the respondents are entitled to their costs in this regard.

2. The Road Accident Fund v Adam Mudawo, Wenile Simon Ndlovu, Bruce Mthokosizi Sibanda and Oyetunde Oneniyi Areo (1185/2024)

Appealed from GP

Date to be heard: 16 February 2026

Schippers JA, Mbatha JA, Hughes JA, Basson AJA, Kganyago AJA

Constitutional Law – Road Accident Fund Act 56 of 1996 – Immigration Act 13 of 2002 – special leave to appeal – s 27 of the Constitution – interpretation – RAF Management Directive dated 21 June 2022 – injured foreigner claimants proof of identity – s 17(1) Road Accident Fund Act – the core issues on appeal are the proper interpretation of the application of s 4(1)(a) of the RAF Act and the Fund’s powers in terms thereof; the interpretation of s 17(1) of the RAF Act and specifically the contextual interpretation of the phrase ‘*any person*’; the interpretation of the RAF Act read together with the Immigration Act 13 of 2002 – whether the RAF Act caters for and entitles illegal foreigners to the same benefit to which lawful citizens and permanent residents are entitled – whether the management directive and the RAF1 Form violate the rights promised in ss 10, 12, 27, 33 and 34 of the Constitution as far as illegal foreigners are concerned – whether the court *a quo* was correct in reviewing and setting aside the Fund’s Management Directive, para 6.1 and 12.1, to the extent that it requires as part of the substantial compliance documents for a valid claim, proof of identity and documentary proof that the claimant was lawfully in the Republic of South Africa when the accident occurred – whether a foreign claimant must provide copies of his/her passport which may only be certified by the South African Police Service.

And

The Road Accident Fund v Lyton A, Takawira T, Gudza N, Lefatso GM, Chikwana T, Malefane L, Musekiwe I, Chitango B, Mufundisi T, Oladipupo OF, Hastings R, Oluwadare JA, Sucha C, The Sheriff Pretoria East, The Sheriff Centurion East (1468/2024)

Appealed from GP

Date to be heard: 16 February 2026

Schippers JA, Mbatha JA, Hughes JA, Basson AJA, Kganyago AJA

Law of Delict – Road Accident Fund Act 56 of 1996 – Immigration Act 13 of 2002 – whether the court *a quo* was correct in determining that the appellant did not place the *causa* in dispute – whether the court *a quo* was obliged to follow the decision of the full court in the *Mudawo* matter pertaining to the fact that the Immigration Act was potentially applicable to claims by the respondents against the appellant – whether the court *a quo* was correct in determining that substantial justice did not require the stay of the court orders and writ of execution – whether the court *a quo* exercised its discretion judicially.

3. Minister of Justice and Correctional Services v Llewellyn Gillian Smith, Xolani Zulu, Benson Qibi, Abel Ngwatu Phasha, Mthokozisi Sithole, Redress Trust Limited (*Amicus Curiae*)

(1346/2023)

Appealed from GJ

Date to be heard: 17 February 2026

Zondi DP, Molefe JA, Kgoele JA, Unterhalter JA, Vally AJA

Constitutional Law – Prevention and Combating of Torture of Persons Act 13 of 2013 – Correctional Service Act 111 of 1998 – whether the respondents were demoted on 8 August 2014 – whether charging the respondents with breach of security in terms of s 23(1)(o) of the Correctional Service Act 111 of 1998, for the events of 7 August 2014 and 10 August was unfair – whether the application of force on the respondents inside cell B1 was justifiable – whether separating the second to the fifth respondent in terms of s 29 of the Correctional Services Act, read with chapter 7 of the B-Order and accommodating them in a single cell was unlawful – whether the conduct of the appellant’s officials on 10 August 2014 and the days following the separation of respondents constituted Torture in terms of the Torture Act – whether the conduct of the officials in the appellant’s employ violated the constitutional rights of the respondents – whether the court *a quo* erred in its credibility findings in respect of the four respondents who gave evidence, as against the witnesses for the defendant.

4. The Road Accident Fund, Chairperson of the Board, Road Accident Fund and Chief Executive Officer v Legal Practitioner’s Indemnity Insurance Fund, NPC, We Emergency Response Team (Pty) Ltd, Tsholofelo Tlhajwang obo minor, Rebecca Masabata Mohapi, Chrisjan Tolo, Johanna Susanna Visagie, Lucky Dumisani Sebatlelo, A Wolmarans Incorporated, Loubser Van Wyk Attorneys, Abongile Dumile Attorneys

Incorporated, The Minister of Transport, The Legal Practice Council and Pretoria Attorneys Association

(1106 and 1479/2024)

Appealed from GP

Date to be heard: 17 February 2026

Nicholls JA, Matojane, Keightley JA, Mamosebo AJA, Norman AJA

Administrative Law – Promotion of Administrative Justice Act 3 of 2000 – Road Accident Fund Act 56 of 1996 – whether the court a quo erred in determining that the RAF1 form constituted an administrative action under the Promotion of Administrative Justice Act 3 of 2000 – whether the court a quo erred in finding that the Minister of Transport adopted the RAF1 form solely to resolve a dispute between the Minister and the Road Accident Fund regarding the authority to publish the form – whether the court a quo incorrectly found that the Minister had failed to observe her obligations under s 7(2) of the Constitution and whether this conclusion was contrary to the evidence and legal standards – whether the court a quo's reliance on principles from *Road Accident Fund v Busuku* was flawed, particularly in applying the principle of sufficiency to the RAF1 form's contents – whether the court a quo erred in finding that the RAF's public consultation processes had no impact on the Minister's decision to conduct further consultations. Additionally, whether the court a quo incorrectly concluded that the publication of the Board Notice constituted making regulations and unlawfully encroached on the Minister's powers under s 24 of the Road Accident Fund Act – whether the court a quo's conclusion that the publication of the Board Notice fell outside the RAF's remit was incorrect – whether such directive could and should be reviewed and set aside in terms of PAJA.

5. Shanie Taljaard and Curro Consultancy (Pty) Ltd v The Land and Agricultural Development Bank of South Africa, Minister of Trade and Industry, Minister of Justice and Constitutional Development, Companies and Intellectual Property Commission (CIPC), Jochen Eckhoff N O (in his capacity as Provisional co-liquidator of Project Multiply (Pty) Ltd (in liquidation), Velvet Cream 15 (Pty) Ltd (in liquidation, (In his capacity as Provision co-trustee of the Merwede Trust-IT 1534/98, in his capacity as co-trustee of the insolvent estate of Carel Aron Van Der Merwe), Deon Marius Botha N O (In his capacity as Provisional co-liquidator of Velvet Cream 15 (Pty) Ltd (in liquidation) and his capacity as co-trustee of the insolvent estate of Carel Aron Van Der Merwe), Johannes Zacharia Human Muller N O (In his capacity as provisional co-liquidator of

Velvet Cream 15 (Pty) Ltd (in liquidation) and in his capacity as provisional co-trustee of the Merwede Trust – IT1534/98), Refilwe Tlhabanyane N O (In her capacity as provisional co-liquidator of Project Multiply (Pty) Ltd (in liquidation), Vimbi Angela Tsopotsa N O (In her capacity as provisional co-liquidator of Velvet Cream 15 (Pty) Ltd (in liquidation), Angelene Poole N O (In her Capacity as provisional co-trustee of Merwede Trust – IT1534/98), Philemon Mawire N O (In his capacity as co-trustee of the insolvent estate of Carel Aron Van Der Merwe), Agri South Africa NPC, Master of the High Court, Kimberly, Master of the High Court, Cape Town, Affected Parties of Project Multiply (Pty) Ltd, Affected Parties of Velvet Cream 15 (Pty) Ltd, Affected Parties of Merwede Trust, Affected Parties of Carol Aron Van Der Merwe, National Real Estate, Pieter Burger, Piet Steenkamp and Nardus Scheepers.

(161/2025)

Appealed from NC

Date to be heard: 17 February 2026

Mbatha JA, Smith JA, Mabesele AJA, Dippenaar AJA, Govindjee AJA

Law of Civil Procedure – Insolvency Law – Superior Court Act 10 of 2013 – sequestration order – liquidation order – whether the appellants have locus standi to apply for the relief sought in the notice of motion – whether the court could rely on annexure ‘X’ to the Land Bank’s answering affidavit, to make a finding that Land Bank had the necessary locus standi as creditor of R75 000 000 to launch liquidation and sequestration proceedings – whether the court a quo could make a final finding in respect of land bank’s locus standi, based on the alleged cession – whether or not the appeal is moot – whether or not the proceedings constitute an abuse process – whether the relief sought by the appellant for an interdict to prohibit the liquidators/trustee from continuing with the liquidation/sequestration process of the relevant entities at issue is not competent and bad in law, alternatively, that this should only be exercised by the court in its discretion and only if exceptional circumstances exist, which they do not – whether or not the aspect of *lis alibi pendens* constitute a defence – whether the appellants’ proposition of fraud, committed by the first respondent and/or its attorney of record, bears judicial muster or scrutiny – whether the appeal should be stuck off the roll due to the dismissal of the application for an interim interdict not being appealable – whether based upon the doctrine of *lis alibi pendens*, the court a quo was in any event precluded from granting the relief sought in the interdict application.

6. National Union of Metalworkers of South Africa (NUMSA) v Simelane Mabefu Veronica, Nkosi Sizwe, Lebakeng Phanini, Mnguni Nonhlanhla, Konalisi Unathi, Mabaso Sinomiso. In RE: Zwane Xolani, Thomas Randolph, Mdlalose Sakhephi, Madihlaba Leon, Somi Msimelo v National Union of Metalworkers of South Africa.

(956/2024)

Appealed from MPM

Date to be heard: 18 February 2026

Hughes JA, Meyer JA, Keightley JA, Coppin JA, Steyn AJA

Law of Delict – claim for damages – lack of safety measures at workplace –whether the respondents and cross appellants discharged the onus of proof before the trial court – whether the respondents and cross appellants’ claims had prospects of success and would have succeeded if prosecuted in the Labour Court.

7. SACTWU Investments Group (Pty) Ltd v Sekunjalo Independent Media (Pty) Ltd and Sekunjalo Investments Holdings (Pty) Ltd

(915/2024)

Appealed from WCC

Date to be heard: 18 February 2026

Matojane JA, Smith JA, Baartman JA, Vally AJA, Norman AJA

Respondents’ Heads – English

Law of Contract – loan agreement – whether the signatory of the subordination agreement on behalf of SIG had actual authority, alternatively ostensible authority, to conclude the agreement – whether the subordination agreement is vitiated by mistake and/or voidable due to misrepresentation by SIM – whether the *in duplum rule* finds application in relation to the calculation of interest on the capital amount of the loan.

8. Jocelyn De Bruyn v The Master of the High Court Pretoria, Martha Johanna Prinsloo N O, Martha Johanna Prinsloo, Marco Kotze, Marius Kotze, Marelle Van Rooyen

(1338/2024)

Appealed from GP

Date to be heard: 18 February 2026

Molefe JA, Kgoele JA, Koen JA, Basson AJA, Mamosebo AJA

Law of Estates – maintenance claim – s 35(10) of the Administration of Estates Act 66 of 1965 – whether the appellant’s objection against the liquidation and distribution account, specifically in respect of a spousal maintenance claim, ought to have been sustained by the Master.

9. TC Smelters (Pty) Ltd, Samancor Chrome Limited v The Minister: Department of Mineral Resources and Energy, The Chief Inspector of Mines: Department of Mineral Resources and Energy, The Principal Inspector of Mines: North West Region (910/2024)

Appealed from GP

Date to be heard: 19 February 2026

Molemela P, Mocomie JA, Meyer JA, Steyn AJA, Govindjee AJA

Environmental law – Mine Health and Safety Act 29 of 1996 – Occupational Health and Safety Act 85 of 1993 – whether the appellants have succeeded to establish on application that the first appellants' chrome smelting operations, conducted within a demarcated mining area where a mine is operated, are subject to the provisions of the Mine Health and Safety Act 29 of 1996 (MHSA) – whether the operations are subject to the provisions of the Occupational Health and Safety Act, 85 of 1993 – whether there are factual disputes on the question of whether the operations of the first appellant are entirely separate, and distinct, from the mining operations of the second appellant, under circumstances where both operations of the first and second appellants are conducted within the boundaries of a demarcated mining area – whether there is a material non-joinder and whether it was necessary to have joined the Ministers of Environmental Affairs and of Agriculture – whether, by concluding and implementing the separation agreement which is annexure "FA4" to the founding papers, the parties to the separation succeeded in achieving the kind of separation which would have the result that the provisions of the MHSA became inapplicable to the operations conducted by the first appellant.

10. Alpheus Mogase Molopo v The State (1115/2024)

Appealed from GP

Date to be heard: 19 February 2026

Schippers JA, Nicholls JA, Unterhalter JA, Basson AJA, Kganyago AJA

Criminal Law and Procedure – conviction and sentence – housebreaking and robbery – murder – Criminal Law Amendment Act 105 of 1997 – Criminal Procedure Act 51 of 1977 – whether

the court a quo correctly applied the test apropos the evaluation of evidence and the onus in criminal trials – whether it was safe to rely on the evidence of identification by the eye witnesses in convicting the appellant – whether the appellant’s version could be reasonably possibly true.

11. Lebohang Mokoale v The State

(776/2018)

Appealed from GLDJ

Date to be heard: 19 February 2026

Kgoele JA, Koen JA, Vally AJA

Criminal Law and Procedure – conviction – special leave – cautionary rule – Criminal Procedure Act 51 of 1997 – s 3 of Law of Evidence Act 45 of 1988 – Rule 4(1)(a) of the Superior Courts Act 10 of 2013 – whether the learned magistrate followed the provisions of s 3 of the law of evidence Amendment Act 45 of 1988, as amended – hearsay evidence – whether the court of first instance was correct in relying on the contradictory and unreliable evidence of the said witness – whether the magistrate misdirected herself by failure to apply the cautionary rule and rejecting the applicant’s version and alibi – whether condonation for late filing of the records and subsequent pleadings ought to be granted – whether an application for reinstatement of the lapsed leave to appeal ought to be granted.

12. Eskom Holdings SOC Limited; The Information Officer: Eskom Holdings SOC Limited v Afriforum NPC

(1049/2024)

Appealed from GP

Date to be heard: 20 February 2026

Smith JA, Baartman JA, Mamosebo AJA

Administrative Law – statutory interpretation – Promotion of Access to Information Act 3 of 2000 (PAIA) – whether the appellants’ have discharged the onus to justify their refusal of access to certain records sought by the respondent and reliance of the appellants upon ss 42(3)(b) and (c) and ss 36(1)(b) and (c) of PAIA – whether the provisions of s 46(a)(i) and s 46(b) of PAIA were satisfied and public interest override – whether the first appellant was justified in refusing access to records to which the respondent sought under PAIA, which the court a quo ordered access to, especially in terms of s 42(3)(b) and (c) – whether the provisions of s 46 were satisfied to justify the orders that the court a quo granted even if s 42(3)(b) and

(c), alternatively 36(1)(b) and (c) applied – whether the costs of the appeal and the application in the court a quo are justified, and if so, what appropriate relief should this Court grant in relation to such costs.

**13. Ariano 302 (Pty) Ltd t/a Aura v Melrose Arch Investment Holdings (Pty) Ltd, Liberty Propco (Pty) Ltd; 2Degrees Properties (Pty) Ltd, LSM Distributors (Pty) Ltd t/a Bentley & Lamborghini
(1369/2024)**

Appealed from GJ

Date to be heard: 20 February 2026

Keightley JA, Coppin JA, Mabesele AJA

Law of Civil Procedure – interdict – billboard obstruction – whether the relief granted by the court a quo was final or interim in nature – whether the respondents satisfied the last two requirements for a final interdict, namely injury actually committed or reasonably apprehended and secondly no suitable alternative remedy – whether the various respondents’ have locus standi – whether a court has a discretion to refuse the granting of an interdict, aimed at stopping conduct that constitutes a criminal offense.

**14. Johan Nicolaas Bouwer v The South African Legal Practice Council
(1050/2024)**

Appealed from GP

Date to be heard: 23 February 2026

Mocumie JA, Makgoka JA, Nicholls JA, Mabesele AJA, Basson AJA

Law of Civil Procedure – Legal Practice Act 28 of 2014 – whether sufficient facts were placed before the court a quo to sustain the finding that the legal practitioner had misconducted himself, thus warranting an order suspending him from practicing as a legal practitioner for a period of 18 months – whether the respondent is wrongly before the court as all the resolutions and steps taken against the appellant were taken by the Gauteng Provincial Council – whether the Gauteng Provincial Council was empowered to bring a s 43 application as there was no theft of trust money – whether the relief sought in Part A for the appointment of a curator *bonis* to conduct an investigative purpose could have been handled by the disciplinary committee in terms of s 37(2)(a) of the LPA – whether there was a need to suspend the appellant from practice as the incident occurred some ten years ago – whether the court *a quo* erred in issuing a final order instead of the interim order sought.

15. The Municipal Manager of the Umdoni Local Municipality, Thabisile Ndlela, The Speaker of the Council of the Umdoni Local Municipality, Council of the Umdoni Local Municipality, Umdoni Local Municipality, Ravinand Maharaj, Executive Committee of the Council of the Umdoni Local Municipality, The Mayor of the Council of the Umdoni Local Municipality v Shamilla Sookhraj and Democratic Alliance (1057/2024)

Appealed from KZD

Date to be heard: 23 February 2026

Molefe JA, Kgoele JA, Dippenaar AJA, Govindjee AJA, Norman AJA

Municipal Law – Local Government: Municipal Systems Act 32 of 2000 – interpretation – whether the interpretation of s 43(2) of the Local Government: Municipal Structures Act 117 of 1998, as amended (the Structures Act), read with ss 45, 46 and 47, by the court a quo renders them unconstitutional – whether the court a quo was correct to find that the second appellant breached her duties as prescribed in terms of s 55 of the Local Government: Municipal Systems Act 32 of 2000 – whether the right of political parties to appoint members to an executive committee is fixed within 14 days of the Council’s election and only terminates when the municipality has changed, or when the next Council is elected – whether the court a quo’s ruling on the costs were correct.

16. NAD Property Income Fund (Pty) Ltd v The South African National Roads Agency SOC Limited and The Minister of the National Department of Transport (710/2024)

Appealed from LP

Date to be heard: 23 February 2026

Unterhalter JA, Baartman JA, Coppin JA

Law of Property – Expropriation Act 63 of 1975 – expropriation – determination of amount of compensation payable – whether the court a quo erred on the facts by not accepting the evidence adduced by the expert witnesses that testified on behalf of both parties – whether the court a quo erred in not applying the legal principles that apply in expropriation matters to the facts in determining the amount of compensation – in the cross appeal - whether the court a quo erred in making the costs order.

17. Electoral Commission of South Africa and Chief Electoral Officer v Democratic Alliance, Jerome Searll Swerksy and Minister of the Department of International Relations and Cooperation

(1345/2024)

Appealed from EC

Date to be heard: 24 February 2026

Molemela P, Mocumie JA, Schippers JA, Unterhalter JA; Baartman JA; Vally AJA, Norman AJA

Constitutional Law – Elections – Electoral Act 73 of 1998 – whether the Electoral Court was correct in declaring that the word consulate in s 33(3) of the Electoral Act includes an honorary consulate, that is, a consul headed by an honorary consul allied to this – whether the Electoral Court was correct in holding that s 33(3) of the Electoral Act requires that voting by South African nationals be permitted at the premises of honorary consuls – whether the Electoral Court erred in paragraph 3 of its order in holding that to the extent the Electoral Commission made a decision not to allow the casting of special votes at consulates headed by honorary consuls, the decision is reviewed and set aside.

18. Van Der Vyver Transport (Pty) Ltd v The Minister of Labour; The Compensation Commissioner; The Director-General of The Department of Labour

(1117/2024)

Appealed from WCC

Date to be heard: 24 February 2026

Makgoka JA, Mbatha JA, Hughes JA, Basson AJA, Kganyago AJA

Administrative law – Promotion of Administrative Justice Act 3 of 2000 – Compensation for Occupational Injuries and Diseases Act 130 of 1993 (COIDA) – whether the appellant's application for review relief in terms of the Promotion of Administrative Justice Act 3 of 2000, concerning the third respondent ('the DG's') failure to take a decision, as well as substitution and declaratory relief, or alternatively referral relief, is valid or not – whether the previous applications for leave to appeal instituted by the appellant was correctly dismissed – whether the review application instituted by the appellant in terms of PAJA has been brought outside the permitted duration and is thus late – whether the appellant has exhausted the internal remedies provided by s 91 of COIDA before instituting the review application – whether the third respondent has failed take a decision to reassess and reduce or remove the loading tariff

in terms of s 85 of COIDA – whether the relief sought by the appellant is competent and can be awarded by this Court.

19. Road Accident Fund v Shireen Lynn Stoffels and Lizelle Herold obo Leeam Spalding (1182/2024)

Appealed from WCC

Date to be heard: 24 February 2026

Matojane JA, Smith JA, Keightley JA, Mabesele AJA, Mamosebo AJA

Law of Delict – Road Accident Fund – damages – declaratory order for payment of interest – Public Finance Management Act 1 of 1999 – Road Accident Fund Act 56 of 1996 – Section 2 of the Prescribed Rate of Interest Act 55 of 1975 (PRIA) – whether the Respondents are entitled to a declaratory order for payment of interest at an unspecified rate of interest in terms of s 2 of PRIA – whether the claims for interest are res judicata – whether the appellant can legally resist its liability to pay interest on judgment debts and costs awarded in favour of the respondents.

AND

20. Road Accident Fund v Sheriff of the High Court (Pretoria East) & Others (268/2025)

Appealed from WCC

Date to be heard: 24 February 2026

Matojane JA, Smith JA, Keightley JA, Mabesele AJA, Mamosebo AJA

21. Tebogo Pholosi v The State (128/2025)

Appealed from NWM

Date to be heard: 26 February 2026

Makgoka JA, Hughes JA, Koen JA, Mabesele AJA, Basson AJA

Criminal Law and Procedure – conviction – special leave – Section 309C of the Criminal Procedure Act 51 of 1997 – Section 3 of the Criminal Law Amendment Act (Sexual Offences and Related Matters) 32 of 2007 – Section 17(2) of the Superior Courts Act 10 of 2013 – whether there are reasonable prospects of success on appeal to assail the conviction granted against the appellant by the Regional Court for the North West Division.

22. **Ekurhuleni Metropolitan Municipality v Thupetji Alexander Thubakgale, Ekurhuleni Concerned Residents Association, The Residents of the Winnie Mandela Informal Settlement, Erick Matlala, Zandile Mavis Bulunga, Malesela Frans Kgomo, Grace Rikhotso, Magdelina Martha Mabena, Matome Samuel Lehong, Moipolai Jemina Litabe, Denick Sello Malatsa, Maphusha Doreen Matlou, Tauhlola Samson Mapaya, Mashaba Simon Molewa, Moroamakgatla Phillemon Mojela, Chabakoane Abram Makgopa, Malose William Moshupya, Jeremia Matamba Munyai, Frans Nyambi, Abel Kapara Ragedi, Margaret Rhidane, James Molimisi Ramonyathi, Mokgadi Elizabeth Sebopetse, Matintate Rebecca Sedibeng, Ramasela Julicia Sekhu, Masale Clement Selowa, Nthanthana Frans Marudu, Lesibana William Ramashala, Kgasaho Amos Nqwepe, Ngoako Victor Makgoba, Josuos Luxon Khoza, Lucy Moima, Tlou Grace Makgothama, Andries Nkamakeng Malupi, Doctor Shubathe Mashaba, Ngoako Partick Mokgobu, Patrick Motene Maunye, Rasekala Simon Mothiba, Malegole Kaizer Phalane, Mahlapholane Leonard Phasha, Makgotane James Raletjena, Naledi Florah Seakamela, Maruruwele Jack Sefala, Mohale Albert Semosa, Kwena Julia Kgomo, Tiby Pineas Kgongwana, Mnisi Elias Kgwedi, Barbanas Siphon Khumalo, Madimetja France Ledwaba, Mirriam Ledwaba, Mafuma Sophie Lekolwana, Butana Moses Mabena, Winnie Grace Mabotja, Tlou Betty Mabotja, Manoko Albert Maboya, Mapula Emily Madisha, Mashilo Silas Maifo, Jabu Eric Nkosi, Kotjwana Solomon Makgoka, Lawrence Makhubela, Mbhazima Godfrey Makhuvele, Sejeng Elton Mampa, Ezekiel Sekolo Manaka, Granny Carolina Manana, Mokgadi Margaret Manoko, Madimetja Samuel Marakalala, Raisibe Johanna Marakalala, Sekgala William Marakalala, Joseph Lesetsa Maruma, Boy Michael Mashabane, Mohlatlego Ludwick Mashao, Anton Massinga, Maria Mathebula, Ebie Dawid Matjie, Molatelo Matiakala, Xolani Mary Man Matrose, Tukishi Paulus Mauwane, Sagoema Emily Mello, Piet Malesela Mitsha, Mmalekgala Sophia Moganedi, Siphon Sidney Mohlala, Chuene Alpheus Mojela, Mmolaishi Abias Mojela, Siphon Boy Mokoena, Pheeha Alfred Molokomme, Malose Alpheus Mongatane, Matome Lucas Mpai, Thomas Mphuthi, James Mthembu, Dulsie Mudimeli, Mokgaetji Lydia Ngoepe, Ngako Simon Nkgweng, Siphon Lennet Nkosi, Minah Moyahabo Nkuna, Constance Pabane, Nomathamsanqa Priscilla Lumkwana, Mopai Piet Ralepelle, Matome Oldrange Raletjena, Matlou Moses Rammutla, Malose Frans Ramodike, Mothoka Johannes Ramokgola, Phuti Machuene Raphala, Maropeng William Rasedile, Madtodzi Piet Ravuku, Patricia Ngonyama, Madimetja David Seete, Puleng John Sekiti, Manoko Alpheus Selepe, Teacher Silas Selowa, Betty Sakhi Zitha,**

Seakomedi Stephen Maeko, Mukhatsheni Simion Mhangani, Morongoenyane Annacletta Mkhabela, Mahlodi Richard Mphako, Enock Zwelenkosi Shasha, Sello Elias Senoamadi, Shadrack Frank Ndhlovu, Josphina Sithole, Nomvana Elda Mene, Solomon Mhlanga, Ephraim Maritjie Maleka, Irvin Saba Nkululeko Saba, Titos Lulu Maphanga, Matome Nelson Mpe, Mathule Sophania Maepa, Fikile Nancy Malope, Violet Mathye, Siphon Aggrippa Lukele, Sehludi Caroline Maimela, Shimane Moses Molokomme, Malapane Jan Maredi, Hans Mmamashela, Mamoloko Wilson Mokoka, Lindiwe Caroline Ndubane, Malose Stanley Magamatho and Section 27 (*amicus curae*)

(974/2024)

Appealed from GP

Date to be heard: 26 February 2026

Schippers JA, Nicholls JA, Smith JA, Vally AJA, Govindjee AJA

Constitutional Law – Housing rights – the constitutional issue is how to remedy a breach of the residents right to access to courts and to an appropriate remedy to realise their vested rights to housing – whether the contempt order made by the court a quo was correctly made, particularly whether the municipality’s non-compliance was wilful and mala fides – whether the court a quo erred in awarding a punitive fine in the amount of R1.33 million – whether the court a quo erred in failing to join National and Provincial government to the proceedings – whether, in the circumstances of this case, a supervisory order would be an appropriate sanction – whether constitutional damages is an appropriate remedy pertaining the cross-appeal.

23. Ruan Janse Van Vuuren v WJB Stieger Konstruksie (Pty) Ltd

(1459/2024)

Appealed from NWM

Date to be heard: 26 February 2026

Mbatha JA, Meyer JA, Molefe JA, Steyn AJA, Norman AJA

Law of Contract – Consumer Protection law – Housing Consumers Protection Measures Act 95 of 1998 – Prescription Act 68 of 1969 – the issue on appeal is when does a claim for payment of damages, due to the breach by a home builder of the statutory prescribed warranty to repair major structural defects to a home at its own cost, as provided for in s 13(2)(b)(i) of the Housing Consumers Protection Measures Act 95 of 1998, become due as contemplated by the relevant provisions of the Prescription Act 68 of 1969 – whether such claim by the appellant has been extinguished by prescription – whether it is not a prerequisite for a housing consumers claim against a home builder for the breach of warranties relating to defects including major

structural defects, to prove that the home builder was notified thereof, but failed to repair such defects.

24. Jurgén Scheer v Raoul Gregor Wagner N O In re: Raoul Gregor Wagner N O v Johan Christian Gijbers N O, Ntanganedzeni Frank Nemaqwarani N O, Jurgén Scheer and The Master of the Western Cape High Court (1109/2024)

Appealed from WCC

Date to be heard: 27 February 2026

Smith JA, Koen JA, Mamosebo AJA

Law of Insolvency – Insolvency Act 24 of 1936 – what is the definition of surplus for the purposes of s 116 of the Act – whether the court a quo, in granting the relief sought by the respondent, circumvented the legislative provisions of s 116 and s 44 of the Act in circumstances where the Act did not provide for such a deviation – whether the appeal hinges on three issues in terms of Rule 8(8)(a) – whether the court a quo correctly exercised its discretion by recognising the respondent for the limited purpose of transferring any surplus funds from the South African estate to Austria for the benefit of the Austrian creditors, applying the common law principles of comity, convenience and equity – whether despite the court’s finding on s 116, the relief sought by the respondent should nevertheless be stayed until both estates are finalised and the full extent of the deficit in Austria is known, and with the funds to be transferred to Austria limited to that amount.

25. City of Johannesburg Metropolitan Municipality v Calvin Bantham and All Unlawful occupiers of ERF 1075 Rabie Ridge Extension 1 (1489/2024)

Appealed from GJ

Date to be heard: 27 February 2026

Keightley JA, Coppin JA, Vally AJA

Law of Property – eviction – whether the court a quo was entitled to order the reinstatement of the unlawful occupiers and granting a final interdict against the municipality – whether the judge a quo correctly granted the spoliation application brought by the respondents – whether the appellant was entitled to rely on counter-spoliation as a defence

26. Tristan Hartmann, Jean-Gabriel Hartmann and Mark Keiser Hartmann v Inge Joanne Hacker N O, Timothy James Hacker N O and Wendy Fiona Hay N O (1543/2024)

Appealed from FS

Date to be heard: 27 February 2026

Unterhalter JA, Baartman JA, Kganyago AJA

Law of Trusts – Redistribution of Trust Assets – whether the appellant established their locus standi – whether the distribution event under a trust deed took place on 22 January 2022 – whether the decisions to extend the distribution event by the third respondent and then by the third respondent were valid – whether the nature of relief sought is moot – whether there was a proper interpretation of rights arising from a trust deed.

27. Road Agency Limpopo SOC Ltd v Matla Consultants CC, Anton Matrix Construction CC.

Anton Matrix Construction CC v Road Agency Limpopo SOC Ltd, Matla Consultants CC.

(960/2024) and (970/2024)

Appealed from LMP

Date to be heard: 2 March 2026

Zondi DP, Schippers JA, Coppin JA, Mabesele AJA, Basson AJA

Law of Contract – arbitration agreement – Arbitration Act 42 of 1965 – retention money – special leave to appeal – Superior Courts Act 10 of 2013 – whether Axton should be granted special leave to appeal to this Court, to appeal para 2 of the order of the full court – whether the Road Agency Limpopo admitted its liability to Axton, by way of an email dated 11 June 2018, and the Road Agency Limpopo should be ordered to pay the sums allegedly admitted in the email – if the first issue is decided against Axton, the Road Agency Limpopo is nevertheless liable to pay (and should be ordered to pay) Axton a sum determined by an adjudicator in terms of the construction contract between the two parties as well as cost of such an adjudication – whether Axton has made a proper case for the declarator order it seeks, as to render it not liable to the Road Agency Limpopo – whether The Road Agency Limpopo’s appeal before the full court had lapsed in terms of rule 49(6) of the Uniform Rules of Court, and whether the full court was empowered to entertain the appeal, whether this Court should grant the Road Agency Limpopo’s application for special leave to appeal against para 1 of the full court’s order –

whether the Road Agency Limpopo had made out a proper case for an order setting aside the dispute resolution provisions of the construction contract between it and Axton.

28. Gorr Assist (Pty) Ltd v Bayport Securitisation (RF) Ltd (Successor in the title to Bayport Financial Services 2010 (Pty) Ltd)
(788/2024)

Appealed from GJ

Date to be heard: 2 March 2026

Mocumie JA, Koen JA, Baartman JA, Steyn AJA, Govindjee AJA

Law of Civil Procedure – special leave – Prescription – Condonation – s 165 of the Constitution – whether the applicant showed that there are special circumstances that warrants the granting of special leave to appeal – whether the court ruling dated 21 February 2024 is in conflict with s 165 of the Constitution and the principle of res judicata – whether the court of quo erred in dismissing the appeal as the appellant had no prospect of success – whether the court of quo erred in dismissing the appeal and upholding the special plea of prescription – whether the court erred in dismissing the condonation for the appeal.

29. Dr Darren Levin Inc, Darren Levin v Promenade Centre Pty Ltd
(1149/2024)

Appealed from WCC

Date to be heard: 2 March 2026

Meyer JA, Kgoele JA, Unterhalter JA, Kganyago AJA, Norman AJA

Law of Contract – section 5(1) of the Consumer Protection Act 68 of 2008 – whether the lease frustrates the purpose of the CPA or deprives the second appellant of rights under the CPA because the respondent decided to contract with the first appellant (a large juristic person) – whether s51(1) of the CPA applies to ‘an extra-contractual condition imposed by one of the parties before a contract will be concluded’ – whether the contract should be declared void under s 4(2) of the CPA – whether the contract is contrary to public policy.

30. South African Retirement Annuity Fund v Pension Funds Adjudicator and S E M Viljoen

(1163/2024)

Appealed from MP

Date to be heard: 3 March 2026

Zondi DP, Mbatha JA, Hughes JA, Mamosebo AJA, Govindjee AJA

Law of Civil Procedure – interpretation – Pension Law – Administration of Estates Act, 1965 – deceased estates – freedom of testation – South African Retirement Fund (SARAF) – SARAF payments of death benefits – s 30P(1) of the Pension Funds Act 24 of 1956 – s 37C(1)(c) of the Pension Funds Act 24 of 1956 – whether s 37C(1)(c) of the Pension Fund Act obliges a fund to pay a deceased member’s benefit to their estate, if there is no nominees within twelve months from the date of the member’s death or within twelve months from the date on which the fund became aware of the member’s death – whether the 12-month period commences from the date the pension fund is notified of a member’s death and is it only from that date that a pension fund is required to identify dependents and nominees and to distribute the benefit to them.

31. Lizelle Schreuder N O v Minister of Police, Minister of Justice & Correctional Services, National Director of Public Prosecutors, Officer Thabethe

Appealed from GP

Date to be heard: 3 March 2026

Molefe JA, Smith JA, Keightley JA, Vally AJA, Kganyago AJA

Criminal Law and Procedure – whether condonation for the late filing of the record of appeal should be granted and whether the appeal should be re-instated – the appellant acts her representative capacity as duly appointed curator ad litem on behalf of the patient, Synnyboy Nene (the patient), a severely mentally disabled person – whether the patient suffered sexual assault – whether the court a quo erred in dismissing all claims by the appellant and issuing a punitive costs order against the appellant.

32. Eskom Holding SOC Ltd v Louis Johannes Botha, Hendrik Francois Naude, Wesdan Boerderye (Pty) LTD, Goueveld Boerdery (Pty) Ltd, Christoffel Petrus Scheepers

(1332/2024)

Appealed from FB

Date to be heard: 4 March 2026

Schippers JA, Mbatha JA, Smith JA, Steyn AJA, Vally AJA

Law of Contract – Institution of Legal Proceedings Against Certain Organs of State Act 40 of 2002(the Act) – interpretation whether the appellant falls within the ambit of s 1(1)(c) and/or s 1(1)(g) of the Act – whether the appellant is entitled to a notice in terms of s 3(1) of the Act.

33. Hlalanathi Ngwadla v The State

(936/2020)

Appealed from NWM

Date to be heard: 4 March 2026

Kgoele JA, Keightley JA, Coppin JA, Mabesele AJA, Basson AJA

Criminal Law and Procedure – conviction – special leave – Criminal Procedure Act 51 of 1997 – whether the court a quo and appeal court erred in convicting the appellant on common purpose whereas the appellant was not charged in terms of common purpose – whether the evidence of a single witness was sufficient to find the appellant guilty of murder – whether the court a quo erred in the evaluation of the evidence of the single witness and whether the state proved guilt beyond reasonable doubt.

34. James Philip Davison v Millie Mpambaniso and Squirrel Benefit Administrators (Pty) Ltd

(1330/2024)

Appealed from GP

Date to be heard: 5 March 2026

Makgoka JA, Nicholls JA, Koen JA, Steyn AJA, Mabesele AJA

Law of Contract – trust law – oral agreement – identity of a party to an investment agreement – the core issue on appeal is whether the agreement which forms the subject of the appeal was concluded between the first respondent and the appellant or the first respondent and the second respondent – whether the full court misdirected itself when it interfered with the factual finding

of the trial court and was required to assess whether the court of first instance erred in its conclusion in respect of the probabilities.

35. The Member of the Executive Council of the Department of Human Settlements, Free State Province v Ntsu Building Materials (Pty) Ltd (1054/2024)

Appealed from FS

Date to be heard: 5 March 2026

Schippers JA, Molefe JA, Unterhalter JA, Basson AJA, Mamosebo AJA

Law of Civil Procedure – common law – special leave to appeal in terms of s 16(1)(b) and 17(3) of the Superior Courts Act 10 of 2013 – extensions of the common law – failure to disclose a cause of action – whether the appropriate principles and considerations were applied in adjudicating an exception that was upheld – whether the court a quo erred – whether the summons and particulars of claim lacks averments necessary to sustain a cause of action.

36. MV “Tai Harmony”, Tai Harmony Maritime Limited v Sure Success Steamship SA Perfect Bulk Limited (953/2024) and (923/2024)

Appealed from ECG

Date to be heard: 5 March 2026

Mbatha AJA, Meyer JA, Smith JA, Vally AJA, Norman AJA

Maritime Law– Admiralty Jurisdiction Regulation Act 105 of 1983 – s 5(2)(d) of the Act – whether s 5(2)(d) of the Act was properly constructed and whether the court a quo correctly directed that the security already furnished in respect of the unpaid hire claim should be increased to secure the unpaid bunker claim

AND

MV “Tai Harmony”, Tai Harmony Maritime Limited v Sure Success Steamship SA Perfect Bulk Limited (923/2024)

Appealed from ECG

Date to be heard: 5 March 2026

Mbatha AJA, Meyer JA, Smith JA, Opperman AJA, Norman AJA

Law of Civil Procedure – Uniform Rules of Court – Rule 6(5)(g) – whether a referral of an issue in an opposed motion for the hearing of oral evidence is a final judgment and thus appealable – if so, whether on the merits this court should interfere with the exercise of the discretion by the court *a quo* to refer the issue of association to oral evidence.

37. Maxam Onasis, Lesiba James Marakalala, Malesela Donald Ledwaba, Funeka Felicia Ndlela, Jabulile Tracy Molotsane, Maphuthi F Pitjeng and Bongani Nksoi v Director of Public Prosecutions, South Gauteng

(388/2021)

Appealed from GJ

Date to be heard: 6 March 2026

Hughes JA, Meyer JA, Koen JA, Coppin JA, Kganyago AJA

Criminal Law and Procedure – Law of Evidence – conviction – special leave – Prevention of Organised Crime Act 121 of 1998 – whether the state proved the existence of an enterprise as set out in s 2(1)(e) of the Prevention of Organised Crime Act 121 of 1998 – whether the first appellant should have been convicted of contravening s 2(1)(f) of the Prevention of Organised Crime Act 121 of 1998 as his conduct falls squarely within the ambit of s 2(1)(e) – whether the evidence was sufficient to establish that the appellants and their co-accused all participated in the affairs of the enterprise through a pattern of racketeering activities – whether the sentence imposed by the court *a quo* was shockingly inappropriate considering the seriousness of the offences – whether the trial judge ought to have granted the recusal application – whether the trial court relied on the evidence of an accomplice who was not a credible witness and whether the court failed to approach the evidence with the necessary caution.

38. Makofane William Mohlala v MEC for Transport, Limpopo Province, Minister of Police and National Director of Public Prosecution

(843/2024)

Appealed from LP

Date to be heard: 6 March 2026

Mbatha JA, Unterhalter JA, Baartman JA, Mamosebo AJA, Govindjee AJA

Criminal Procedure – Law of Evidence – administration of justice – unlawful detention – Section 16(1)(b) of the Superior Courts Act 10 of 2013 – Criminal Procedure Act – Law of Evidence Amendment Act 45 of 1988 – National Road Traffic Act 93 of 1996 – whether the intended appeal has reasonable prospects of success and whether the applicant has established

some other additional factor justifying the granting of special leave – whether the high court erred in ruling that the applicant had the onus of proving that his detention was unlawful – whether the high court was correct to find that the applicant had failed to do so and that his detention was lawful – whether the applicant has proved that there were no reasonable and probable cause or presence of malice for prosecuting him with the offence of defeating the ends of justice – whether the applicant’s claim for malicious prosecution should be dismissed.

39. Minister of Justice and Correctional Services, National Commissioner of Correctional Services and Regional Commissioner of Correctional Services v Nkosana Thomas Leso

(1465/2024)

Appealed from GP

Date to be heard: 6 March 2026

Kgoele JA, Keightley JA, Norman AJA

Law of Delict – claim for damages arising out of unlawful detention – *res judicata*-issue – estoppel – Correctional Services Act 111 of 1998 – whether the high court was correct in upholding the respondent’s replication of issue estoppel regarding the wrongfulness of his detention on account of the State’s failure to bring the respondent before a court within 48 hours of his arrest – whether the high court was correct to find that once wrongfulness of the detention had been established, the only remaining issue was that of quantum – whether the high court was correct in finding that it was not necessary to determine wrongfulness as an element of delictual liability – whether the high court applied the principles of *res judicata*-issue of estoppel correctly – whether the trial court is correct in not dismissing the respondent’s claim.

40. Afriforum NPC v Ngwathe Local Municipality, Acting Principal Manager, Ngwathe Local Municipality, Fezile Dabi District Municipality, Minister of Water and Sanitation

(778/2024)

Appealed from FB

Date to be heard: 9 March 2026

Meyer JA, Molefe JA, Baartman JA, Mabesele AJA, Norman AJA

Law of Civil Procedure – Legal Practice – Costs Order – whether the court a quo exercised its discretion judicially and properly when it made the order in paragraph 2 of its order and whether it misdirected itself – whether the court a quo was justified in deviating from the general rule

that a successful litigant is entitled to costs – whether the *Biowatch* principle is applicable in appeals where the appellant contends that it litigated bona fide as a private party against the state to vindicate constitutional rights and to vindicate the *Biowatch* principle on appeal - whether the court order of the court a quo in ordering that each party had to pay its own costs in the appeal despite the appellant’s success therein, would result in the chilling effect on such litigation that *Biowatch* sought to guard against.

41. Motsitsi, James Musa v The State

(086/2023)

Appealed from GJ

Date to be heard: 10 March 2026

Meyer JA, Coppin JA, Vally AJA,

Criminal Law and Procedure – conviction – common purpose – dissociation from common purpose – Criminal Law Amendment Act 105 of 1997 – whether the trial court erred in its application of the doctrine of common purpose – whether the trial court erred in failing to find that the appellant’s conduct of sitting in the small compartment was a clear indication that he never associated in common purpose with other persons – whether the appellant ought to have performed any other act to frustrate or prevent the completion of the crime – whether the late filing of the appeal should be condoned and whether the appeal should be reinstated.

42. Raycaldo Rowland, Willie Adonis, Wayne Barron, All those holding title through 1st - 3rd Respondents or occupying portion 79 of the farm Morningstar No. 141, City of Cape Town, Western Cape; The City of Cape Town, Head: Western Cape Provincial Department of Agriculture, Land Reform and Rural Development v Logos Carriers CC (376/2024)

Appealed from LCC

Date to be heard: 10 March 2026

Matojane JA, Smith JA, Koen JA, Steyn AJA, Basson AJA

Constitutional Law – Property Law – eviction – whether the requirements of s 25(6) of the Constitution and the Extension of Security of Tenure Act 62 of 1997 (ESTA) were complied within making the eviction order – whether the Land Claims Court had jurisdiction to grant an eviction order against the first appellant whose income exceed the maximum stipulated for and ESTA occupier – whether it is admissible to cite unnamed groups of persons in such proceedings – whether the appellant's rights of occupation were duly cancelled – whether

mediation can be compelled – whether the LCC was correct in the evaluation of evidence in motion proceedings.

43. Joshua Button v The State

(1491/2024)

Appealed from GJ

Date to be heard: 10 March 2026

Molefe JA, Keightley JA, Baartman JA, Kganyago AJA, Norman AJA

Criminal Law and Procedure – sentence – special leave – application to introduce further evidence – Section 16(1)(b) and section 19 of the Superior Courts Act 10 of 2013 – Criminal Procedure Act 51 of 1997 – whether the appellant should be granted leave to lead further evidence that he was not HIV positive – whether the sentence imposed on the appellant is excessive.

44. Sibitha Matlala v The State

(981/2024)

Appealed from GJ

Date to be heard: 11 March 2026

Molefe JA, Koen JA, Coppin JA, Mamosebo AJA, Govindjee AJA

Criminal Law and Procedure – conviction – special leave – oral argument in terms of s 17(2)(d) of the Superior Courts Act 10 of 2013 – Criminal Procedure Act – whether the court a quo erroneously convicted the appellant – whether the court a quo failed to accept the further evidence in terms of s 316 (5)(c) of the Criminal Procedure Act – whether leave to appeal is to be granted against the conviction and subsequent dismissal of the appeal by the full court of the Gauteng Division, Johannesburg.

45. Zolisa Mandla v The State

(1433/2024)

Appealed from ECM

Date to be heard: 13 March 2026

Makgoka JA, Nicholls JA, Mamosebo AJA

Criminal Law and Procedure – analysis of evidence – conviction of rape – special leave against the dismissal of his Petition in terms of s 16(1)(b) of the Superior Courts Act 10 of 2013 –

Criminal Procedure Act 51 of 1997 – whether the state proved the guilt of the appellant beyond reasonable doubt – whether the version of the appellant is beyond reasonable doubt false.

46. Zolisa Ncitha v The State

(987/2024)

Appealed from GJ

Date to be heard: 13 March 2026

Mbatha JA, Hughes JA, Unterhalter JA, Mabesele AJA, Basson AJA,

Criminal Law and Procedure – conviction and sentence – rape – Criminal Law Amendment Act 105 of 1997 – Criminal Procedure Act 51 of 1977 – whether the guilty plea by the appellant met all the elements of the offence which for the appellant was charged – whether the judicial fact was proven before the court pronounce on the verdict of guilty in terms of s 51(1) of Criminal Law Amendment Act – whether the appeal court erred when it made inferential reasoning on the facts when the plea statement did not make averments of elements of the offence – whether intention (*mens rea*) and penetration which are elements of the crime of rape were proved beyond a reasonable doubt.

47. The Mpumalanga Society of Advocates v The Judicial Service Commission, The President of the Republic of South Africa, Johannes Hendrikus Roelofse and WDT Attorneys Inc (*as amicus curiae*)

(1186/2024)

Appealed from GJ

Date to be heard: 16 March 2026

Zondi DP, Mocomie JA, Makgoka JA, Mamosebo AJA, Norman AJA

Administrative Law – Code of Judicial Conduct – Judicial Service Commission Act 9 of 1994 – Legal Practice Act 28 of 2014 – appointment as a judicial officer – procedural irregularities – legality review – section 165(2) of the Constitution – whether the court a quo erred in dismissing the application on the basis that the Judicial Service Commission (JSC) was correct in recommending the third respondent (to appoint the third respondent as a judge in the Mpumalanga Division of the High Court) – whether the court a quo correctly found that the JSC was aware of the material facts and still proceeded to recommend the third respondent – whether the court a quo correctly found that the third respondent did not need to disclose the outstanding debt as it was not due – whether the third respondent's failure to disclose certain

material facts to the JSC rendered him unfit and improper for judicial appointment and the JSC's recommendation was irrational.

48. Blue Label Distribution (Pty) Ltd v Chavonnes Badenhorst St Clair Cooper N.O., Tirhani Sitos De Sitos Mathebula N.O. and Cape Basic Products (Pty) Ltd (In liquidation) (1105/2024)

Appealed from GP

Date to be heard: 16 March 2026

Nicholls JA, Molefe JA, Koen JA, Steyn AJA, Govindjee AJA

Law of Civil Procedure – Companies Act 61 of 1973 – Insolvency Act 24 of 1936 – insolvency law – arbitrary deprivation of property – liquidation – whether the liquidators can rely on s 341(2) of the Companies Act to reclaim the payments when it is common cause that the payments have already been repaid to the insolvent company – whether the appellant was the true disponent of the void payments.

49. The City of Johannesburg Metropolitan Municipality v Afriforum NPC; The Independent Institute of Education (Pty) Ltd; Advtech, Curro Holdings Ltd; The Minister of Co-Operative Governance and Traditional Affairs; The Minister for Higher Education & Training; The Minister of Basic Education; The Minister of Finance; MEC for Co-Operative Governance and Traditional Affairs, Gauteng Province; MEC for Education: Gauteng Provincial Government; MEC for Gauteng Provincial Treasury: Gauteng Province (1114/2024)

Appealed from GJ

Date to be heard: 16 March 2026

Matojane JA, Kgoele JA, Keightley JA, Basson AJA, Kganyago AJA

Municipal law – Local Government: Municipal Property Rates Act 6 of 2004 – whether a municipality is permitted to determine a category of 'education' as an additional category of rateable property in terms of s 8(3) of the Rates Act – whether a property category of 'education' circumvents the categories of properties that must be determined in terms of s 8(2) of the Rates Act, specifically the category of 'business and commercial properties' as contemplated in s 8(2)(c) of the Rates Act – whether this Court may interfere with the

discretion of the court a quo to grant the declaratory order, and if so, whether the declaratory order granted by the court a quo was incorrect.

**50. Nandi Jacobs v Minister of Justice and Correctional Services
(638/2024)**

Appealed from GP

Date to be heard: 17 March 2026

Mocumie JA, Makgoka JA, Kgoele JA, Steyn AJA, Govindjee AJA

Criminal Law and Procedure – whether the court a quo was correct to find that the appellant failed to adduce evidence and prove negligence on the part of the respondent and ultimately failed to establish liability on the part of the respondent – whether the court a quo erred in finding that the Minister provided a reasonable explanation for granting the convicted criminal, Ivan Botha, who robbed, assaulted and attempted to rape the appellant on 1 April 2012, parole in the absence of a psychologist report as previously recommended by the Case Management Committee – whether the court a quo erred in not finding in favour of the appellant on the basis that no explanation was provided by the Minister as to why Botha’s parole was not suspended upon violation of his parole conditions.

**51. Ezhiah Skhumbuzo Mvubu v The State
(146/2023)**

Appealed from KZP

Date to be heard: 17 March 2026

Nicholls JA, Unterhalter JA, Coppin JA, Mabesele AJA, Kganyago AJA

Criminal Law and Procedure – sentence – whether the effective sentence of 30 years’ imprisonment induces a sense of shock – whether this Court should interfere and reduce it to reflect a just term of imprisonment.

52. Potigs Norsvin SA (Pty) Ltd v Eskom Holding SOC Ltd and Others; Andre Marinus de Ruyter; Calib Cassim; Malegapuru William Makgoba; Banothile Charity Makhubela; Pulane Elsie Molokwane; Busisiwe Mavuso; Roderick de Brassick Crompton; Tshepo Herbert Tong-Mangolo; Mlawuli Mayor Majingolo; Deidre Herbst; Bongumusa Mashazi; Lesiba Kgobe; Minister of Water and Sanitation; Director-General: Department of Water and Sanitation; Minister of Forestry, Fisheries and the

Environment; Director-General: Department of Forestry, Fisheries and the Environment; Minister of Mineral Resources and Energy; National Energy Regulator of South Africa; Clive Raymond Le Roux; Paul Mpho Makwana; Austin Leslie Mkhabela; Busisiwe Vilakazi; Lwazi Leon Goqwana; Fathima Bee Bee Abdul Gany; Anyanda Pearl Zinhle Mafuleka; Tskani Lotten Mthombeni; Beki Zacharia Ntshalintshali; Nteto Nyathi; Tryphosa Ramano and Clauselle von Eck

(117/2025)

Appealed from GP

Date to be heard: 18 March 2026

Molemela P, Meyer JA, Kgoele JA, Dippenaar AJA, Govindjee AJA

Civil Law – Environmental Law – the dismissal of a structural interdict – whether the granting of a structural interdict would, in the circumstances of this application, infringe on the doctrine of separation of powers – whether the doctrine of subsidiarity prevents the appellant from relying, for the purposes of a structural interdict, on a fundamental right in chapter 2 of the 1996 Constitution where legislation has been enacted to give effect to that fundamental right – what the relationship between the legal requirements for the common-law final interdict and for a structural interdict is and specifically whether the lack of alternative remedy is also required for structural interdict – whether, if the lack of an alternative remedy is also required for a structural interdict, s 28(12) of the National Environmental Management Act provided such an alternative remedy in the circumstances of this application – whether it was permissible to join and seek relief against the senior employees, responsible for environmental management, in an application for a structural interdict aimed at preventing pollution and ensuring compliance with legislation by their employer (Eskom Holdings) – whether the Minister of Energy and the National Energy Regulator of South Africa were under a legal duty to prevent the pollution and degradation of the environment by Eskom Holdings through its construction, operation and management of the Kusile Power Station.

53. The Commissioner for the South African Revenue Service v Candice-Jean Poulter (Neè Van Der Merwe)

(1110/2024)

Appealed from WC

Date to be heard: 18 March 2026

Zondi DP, Smith JA, Coppin JA, Basson AJA, Norman AJA

Tax Law – Tax Administration Act 28 of 2011 – Income Tax Act – procedure alternative dispute resolution – tax court – procedural irregularities – section 25(2) of the Legal Practice Act – special leave in terms of s 17(2)(b) of the Superior Courts Act 10 of 2013 – whether the Tax Court is a court of law – whether a lay person has right of appearance in a Tax Court to represent a natural person – whether the Tax Court was correct to determine the tax appeal in terms of rule 44(7) of the Tax Court rules – whether the order granted by the court a quo was competent – whether on a proper interpretation of the procedural rules governing the Tax Court, a taxpayer is confined to appointing only an admitted legal practitioner to act as their representative in proceedings before that court.

54. Mmalattha 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: 24 March 2026

Meyer JA, Unterhalter JA, Koen JA, Mabesele AJA, Basson 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.

55. Bliss Brands (Pty) Ltd v Colgate-Palmolive (Pty) Ltd, Colgate-Palmolive Company, Advertising Regulatory Board NPC (1498/2024) and (079/2025)

Appealed from GJ

Date to be heard: 30 March 2026

Molemela P, Goosen JA, Baartman JA, Steyn AJA, Kganyago AJA

Intellectual Property Law – Copyright Law– Trademark – whether Bliss breached the Manoim J order by continuing to market its original offending packaging and by introducing

the May 2024 version of its packaging – whether Bliss discharged its evidential burden to show that these breaches were not wilful and mala fide – whether the assessment of the lawfulness of Bliss Brands’ new packaging must take the appearance of Colgate’s 2019 Protex Packaging into account – whether the Manoim 2 judgment was correct to limit the effect of its order to media subject to the jurisdiction of the Advertising Regulatory Board (ARB) – whether the ARB has the power to issue sanctions relating to media not controlled by members of the ARB.

AND

**Colgate-Palmolive (Pty) Ltd, Colgate-Palmolive Company, Advertising Regulatory Board NPC v Bliss Brands (Pty) Ltd
(079/2025)**

Appealed from GJ

Date to be heard: 30 March 2026

Molemela P, Goosen JA, Baartman JA, Steyn AJA, Kganyago AJA

Law of Civil Procedure – Jurisdiction – Cross-Appeal – whether Manoim J was correct in confining para 3 of the second Manoim J order to mediums controlled by ARB members.