REPUBLIC OF SOUTH AFRICA
SUPREME COURT OF APPEAL
BULLETIN 2 OF 2026
CASES ENROLLED FOR HEARING: 01 May 2026 – 31 May 2026

1. Tullis Laundry Solutions Africa (Pty) Ltd v Member of the Executive Council for Health, Western Cape and Amlazi Equipment Services (Pty) Ltd
(472/2023) and (634/2025)
Appealed from WCC
Date to be heard: 04 May 2026
Makgoka JA, Hughes JA, Meyer JA, Steyn AJA, Mjali AJA
Interpretation of court order – revision of a court in absence of an appeal – whether the court below correctly identified principles for the interpretation of a court order – whether the high court correctly held that the order of Nuku J would have no practical effect – whether the appellant was denied its right to adduce or refute evidence or argument relating to the order stating that Nuku J's order will have no practical effect – whether the high court erred in granting an order directing the first respondent to pay the costs of the application regardless of not being in contempt of court.

2. Director of Public Prosecutions, Gauteng Division v Kabelo John Matsepe and Mamphe Daniel Msiza
(092/2025)
Appealed from GP
Date to be heard: 04 May 2026
Keightley JA, Seriti AJA, Dippenaar AJA, Molitsoane AJA, Zilwa AJA
Application for leave to appeal referred for oral argument in terms of s 17(2)(d) of the Superior Courts Act 10 of 2013
Application for condonation and reinstatement of the appeal
Application for the granting of leave to appeal to the Supreme Court of Appeal against the second prayer of the notice of motion by the court a quo on 16 August 2024, and to the dismissal of the application in terms of s 319(1) the Criminal Procedure Act 51 of 1977 to reserve five (5) questions of law for the consideration of the SCA by the court a quo on 6 January 2025.
Constitutional Law – whether the court a quo exercised its discretion judicially - whether the court a quo had been influenced by the wrong principle of law or a misdirection on the facts –

whether its decision had been unreasonable in granting the separation of trials thereby overemphasising the fairness principles of the respondents and their co-accused, as well as the fairness to the public as represented by the state – whether the court a quo duly considered the prosecutorial prerogative as to how the accused should be charged as provided as provided for in terms of s 179 (2) of the Constitution – whether the court a quo erred in not considering the provisions of Prevention of Organised Crime Act 121 of 1998 (POCA) and the authorities in relation thereto when it interfered in the directive by the National Director of Public Prosecution in terms of s 2(4) of POCA that the respondents must be prosecuted together – whether the court a quo erred mero motu in applying its inherent powers in terms of s 173 of the Constitution instead of correctly conducting an enquiry in terms of s 342(A) of the Criminal Procedure Act 51 of 1977.

3. The Profit Hub (Pty) Ltd v Zuwon Consultations (Pty) Ltd & Thokozani Llloyd Ndawonde

(445/2025)

Appealed from GP

Date to be heard: 05 May 2026

Makgoka JA, Smith JA, Unterhalter JA, Norman AJA, Mooki AJA

Law of Contract – Credit Law – interpretation – National Credit Act 34 of 2005 - whether the court a quo erred when it failed to recognise that the application of the National Credit Act was statutorily excluded – whether the court a quo was incorrect in reaching the conclusion that the National Credit Act is applicable to the discounting agreements – whether a summary dismissal of the application was the correct outcome.

4. Jacobus Johannes Hercules Stassen N O, Donald Laas N O, Elize Bernadette Davids N O, Abraham Hermanus Leach N O, Marthinus Theunissen Kriel N O, Lehandri Van Jaarsveldt N O v Joseph Reynolds Chemaly N O, Michael Nicolas Georgiou N.O.

(072/25)

Appealed from FB

Date to be heard: 05 May 2026

Schippers JA, Nicholls JA, Keightley JA, Seriti AJA, Steyn AJA

Law of Contract – Law of lease – Deeds Registries Act 47 of 1937– whether the strict enforcement of the lex commisoria and entrenched formalities clauses in a notarial sub-lease agreement (‘lease agreement’) concluded between the first to the seventh appellants (‘the

Skougronde Trust') as a lessor and the first, second and third respondents ('MFT') as lessee, is against public policy – whether the undertaking given by the Skoungronde Trust to FRB constituted an amendment to the sub-lease where the sub-lease contains entrenched formalities clause – whether the undertaking amounts to a waiver of the Skoungronde Trust's rights in circumstances where; the sub-lease contains a clause which stipulates that no waiver or indulgence shall be binding on the parties unless reduced to writing and signed by the Skoungronde Trust and MFT – whether the Skoungronde Trust was obliged, in terms of ss 82(3), 65(1) and 78(1) of the Deeds Registries Act, 47 of 1937, to obtain the consent of FRB before it was entitled to cancel the sub-lease – whether the cancellation is valid, given the provisions of the written consent – whether the failure to cancel the bond renders the purported cancellation ineffective – whether a *stipulatio alteri* in respect of the consent avails the sub-lessee to resist the cancellation under the consent – whether the sublessor is estopped from cancelling the agreement before the expiry of the 20 day period – whether upholding the cancellation in the circumstances would be against public policy – whether the Shifren and non-waiver clauses in the sub-lease preclude reliance on the 20 day additional period to contest the cancellation in the light of the public policy considerations – whether the pattern of late payment in which there was acquiescence over a long period renders the cancellation ineffective as having been waived.

5. National Union of Metalworkers of South Africa and The Members Listed in Annexure "X1" v SCAW South Africa Pty Ltd
(1416/2024)
Appealed from GJ
Date to be heard: 05 May 2026
Meyer JA, Goosen JA, Dippenaar AJA, Mjali AJA, Molitsoane AJA
Labour law – severance pay – contract and statute – jurisdiction – condonation – whether severance pay and gratuity constitute contractual or statutory rights – whether s 41 of the Basic Conditions of Employment Act 75 of 1997 (BCEA) applies where the dispute over severance pay arises from contract rather than statute – whether s 41(4) of the BCEA applies to an employee's contractual claim for severance pay, as opposed to a claim under s 41(2) – whether s 41(6) of the BCEA requires such a claim to be pursued through specialist labour dispute-resolution tribunals – whether the court a quo erred in dismissing the application –application by the appellants for reinstatement of the appeal and for condonation for non-compliance with

rule 8 of the Supreme Court of Appeal Rules – respondent's application for condonation for the late filing of heads of argument.

6. MEC for Economic Development, Environment, Agriculture and Rural Development; Gauteng Gambling Board v Phumelela Gaming and Leisure Limited and 4Racing (Pty) Ltd

(042/2025)

Appealed from GJ

Date to be heard: 06 May 2026

Hughes JA, Smith JA, Dippenaar AJA, Kooverjie AJA, Mooki AJA

Law – Administrative Law – Municipal Law – Whether ss 226 and 228 of the Constitution, read with s 22(1) of the Public Finance Management Act 1 of 1999 and s 31(1)(a)(vi) of the National Gambling Act 7 of 2004 authorise circumvention of the Provincial Revenue Fund in favour of certain entities – whether, if the appeal has lapsed, condonation should be granted and the appeal reinstated – whether repayment relief constitutes just and equitable relief in terms of s 172(1)(b) of the Constitution or, if it applies, s 8 of the Promotion of Administrative Justice Act 3 of 2000 (PAJA) – Administrative Law – whether PAJA applies to the amendment of regulations regarding the subsidising of the horseracing industry through taxes and levies imposed in terms of s 61(4) of the Gauteng Gambling Act 5 of 1995 – Municipal Law – whether the decision of the MEC and the Amendment of regulation 276 of the Gauteng Gambling Regulations of 1997 on 1 April 2019, which reduced a 3% levy payable to 0%, are unlawful and invalid – whether the conditional counter application to declare unconstitutional and set aside regulations 273 and 276 of the Gauteng Gambling Regulations was correctly dismissed – whether the fact that the conditional counter application was brought more than 20 years after regulation 276 20 years constituted unreasonable delay.

7. Mary Zwane, Robert Nqobile Zwane v Thandi Constance Zwane, (Nee Malabela) Anastasia Joan Zwane (Nee Hill), Master of the High Court: Mpumalanga and Minister of Home Affairs

(942/24)

Appealed from MB

Date to be heard: 06 May 2026

Matojane JA, Baartman JA, Seriti AJA, Phatshoane AJA, Norman AJA

Customary Law – s 4(7)(a) of Recognition of Customary Marriages Act, 120 of 1998 / Marriage and Matrimonial Property Law Amendment Act 3 of 1988 / Black Administration Act of 1927– whether the court a quo erred in the application of the respective legal positions with regards to customary marriages and civil marriages – whether the failure to register the marriage has affected the validity of that marriage.

8. Road Accident Fund v Josecelina Weziwe Nkqeto N O
(1161/2024)
Appealed from GJ
Date to be heard: 06 May 2026
Molefe JA, Unterhalter JA, Zilwa AJA
Law of Civil Procedure –incompetency of court order – whether or not the settlement agreement could be made an order of court by the court a quo – whether making the settlement agreement an order of court is against the Constitution, the law in general and thus against Public Policy.

9. Kalagadi Manganese (Pty) Limited, Kalahari Resource (Pty) Limited and Kgaladi Alloys (Pty) Limited v Industrial Development Corporation of South Africa Limited, Absa Bank Limited (Acting through its corporate and Investment Banking Division), Bowood and Main No. 51 (Pty) Ltd and Murray & Roberts Cementation (Pty) Ltd
(1019/24)
Appealed from GJ
Date to be heard: 07 May 2026
Mocumie JA, Goosen JA, Smith JA, Baartman JA, Zilwa AJA
Constitutional Law – Industrial Development Act 22 of 1940 – duty of an organ of state – whether the Industrial Development Corporation (IDC) conducted the litigation before the high court with the requisite candour, diligence and respect for the law, as required from an organ of state.
Company Law – Civil Procedure – Superior Courts Act 10 of 2013 – Companies Act 71 of 2008 – whether the court a quo was correct in finding that the IDC had given the necessary authority to institute business rescue proceedings against Kalagadi ("the Authority") – whether the court a quo was correct in finding that the IDC should have been granted leave to introduce further evidence in support of its authority to institute the business rescue proceedings.

10. The Road Accident Fund v Henry Lombard and The Sheriff, Centurion East
(043/25)

Appealed from GP

Date to be heard: 07 May 2026

Makgoka JA, Nicholls JA, Meyer JA, Mjali AJA, Mooki AJA

Law of Delict – Road Accident fund Act 56 of 1996 – Prescribed Rate of Interest Act 55 of 1975 – whether the court a quo erred by not finding that the writ of execution was invalid , unlawful and should be set aside – whether the court a quo erred by erroneously dismissing the application, yet it found that the order had been simultaneously varied – whether the court a quo erred by finding that a declaratory order regarding interest was made; whereas it was not and no party sought such relief – whether the court a quo erred by misinterpreting s 17(3)(a) of the RAF Act by finding that it must be interpreted to mean that interest starts to run after 14 days on any judgments against the RAF – whether the court a quo erred by ordering the appellant to pay punitive costs without reason, justification, in fact or in law.

11. The Member of the Executive Council for Health of the Gauteng Provincial Government v Mathe Caroline Bridgette
(1482/24)

Appealed from GP

Date to be heard: 07 May 2026

Schippers JA, Mbatha JA, Hughes JA, Koen JA, Kooverjie AJA

Law of Delict – medical negligence – whether the respondent proved at least at a prima facie level that the appellants' personnel negligently caused the respondent uterus to be removed – whether the absence of medical records warranted an inference of negligence against the appellant – whether the court correctly applied the res ipsa loquitur principle.

12. Swanvest 328 (Pty) Limited; Legacy Management Holdings (Pty) Limited; Allan Patrick Brearley; Albertus Hendricus Dorrestein; Neil George Yates; Legacy Hospitality Management (Pty) Ltd and Legacy Hotels and Resorts (Pty) Limited v Ensemble Hotel Holdings (Pty) Limited; Ziad Jamal Ali El-Barag and Mohammed Mahmoud Alzarouq Shawsh
(232/2025)

Appealed from GJ

Date to be heard: 08 May 2026

Zondi DP, Mocumie JA, Matojane JA, Steyn AJA, Phatshoane AJA

Company law – Companies Act 71 of 2008 – Financial Intelligence Centre Act 38 of 2001 – Prevention of Organised Crime Act 121 of 1998 – whether the Ensemble parties have made a case under s 163(1) of the Companies Act 71 of 2008 (the Companies Act), as prerequisite to them claiming the remedial action sought in the 'main' claim in the application; the Legacy Hospitality Management (LMH) parties have made a case under s 163 of the Companies Act, as prerequisite to them claiming the remedial action sought in the counterclaim in the application – whether the appropriate means to sever the shareholders' relationship is (i) a private auction among the parties to bid on the business of Legacy Hotels (as the Ensemble parties contend), or (ii) the repurchase of Ensemble's shares in Legacy Hotels, at fair value, determined by an expert valuer (as the LMH shareholders contend) – whether the purchase of Ensembel's share in Legacy Hotels would be unlawful, in terms of UN sanctions imposed against Libyan entities and s 26B of Financial Intelligence Centre Act 38 of 2001 (FICA) – whether El-Barag has been refused access to documents which he requires to exercise his fiduciary duties as director of Legacy Hotels – whether transactions concluded by Legacy Hotels are invalid, on the basis that they are contrary to clause 11 of the Legacy Hotels' shareholders agreement or the Companies Act – whether Dorrestein, Yates, Brearley and Legacy Hospitality have a duty to account to Ensemble or El-Barag for management contracts and other assets of Legacy Hotels as may have been transferred – whether Dorrestein, Yates and Brearley should be interdicted from disposing of assets of Legacy Hotels, cancelling contracts of Legacy Hotels, inducing contracting parties to breach their contracts with Legacy Hotels, or other conduct to the prejudice of Legacy Hotels.

13. Head of Department: Free State Provincial Treasury v Member of the Executive Council: For Finance (MEC), Free State Provincial Government, Public Service Commission and Premier of the Free State

(1360/24)

Appealed from FS

Date to be heard: 08 May 2026

Schippers JA, Molefe JA, Keightley JA, Seriti AJA, Kooverjie AJA

Law of Civil Procedure – interim interdict – stare decisis principle – whether the review application constituted an alternative remedy under the circumstances wherein the appellant in Part A of the application sought an interim order to interdict and restrain the first respondent (MEC) and the Premier from implementing any of the recommendation contained in the Report

issued by the second Respondent dated November 2023 against the appellant, as the report is unlawful, irrational and offends the legality principle – whether the court a quo correctly applied the principle enunciated in the National Treasury v Kubakeli (2016) 1 All SA 30 (SCA) – whether the court a quo erred in finding that the appellant failed to meet the requirement of an interim interdict in relation to the absence of an alternative remedy and irreparable harm – whether the court a quo erred in failing to take into consideration the prospects of success in the review application under Part B when determining Part A of the application – whether the Court a quo was correct in following the judgment of the High Court in Ithala SOC Ltd v South African Reserve Bank Prudential Authority and Other (2022) JDR 3291 GP, wherein the Constitutional Court in National treasury v Opposition for Urban Tolling Alliance 2012 (6) SA 223 (CC) and City of Tshwane Metropolitan Municipal v AfriForum (2016) (9) BCLR 1133 (CC), followed a different approach in dealing with the issue of a pending review as constituting an alternative remedy for the purposes of obtaining an interim interdict – whether the court a quo failed to appreciate that the appellant's case involved Constitutional rights as contained in the Bill of Rights, especially ss (s) 10, 33(1), 22 and 23 of the Constitution – whether the court a quo erred when it made a factual finding that the first and third respondent were under no obligation to accept any recommendation of the second respondent when the evidence before the court a quo was that both the first and third respondents accepted the recommendations of the second respondent, and that they were implementing such recommendations – whether the court a quo erred in awarding costs against the appellant when important constitutional issues were raised in light of the manner in which the second respondent conducted the investigation against the appellant.

14. The Registrar of Animal Improvement ("The Registrar") v The Chianina Cattle Breeders' Society of South Africa, The Minister of Agriculture, Land Reform and Rural Development ("the Minister"), Advocate Tshifhiwa Tshitereke N O, Mr P M Molapo N O, Dr L E Matjuda

(1031/2024)

Appealed from GP

Date to be heard: 08 May 2026

Nicholls JA, Mbatha JA, Unterhalter JA, Baartman JA, Norman AJA

Administrative Law – Animal Improvement Act 62 of 1998 – Promotion of Administrative Justice Act 3 of 2000 (PAJA) – statutory interpretation – internal remedies – whether the condonation application and the reinstatement of the appeal due to the late filing of the heads

of argument should be granted – whether the court a quo was correct in granting declaratory and substitution relief in a review application relating to the registration of the first respondent as an animal breeders' society under the Animal Improvement Act – whether the first respondent was obliged to exhaust the internal appeal process provided for in s 23 of the Act before approaching the court – whether it was entitled to rely on PAJA without seeking exemption under s 7(2) – whether the court a quo erred in finding that exceptional circumstances existed justifying judicial substitution of the Registrar's discretion – whether the Act confers a specialist, discretionary power on the Registrar which should not lightly be usurped by a court – whether the court a quo was correct in holding that no specialised expertise was required and that registration was a foregone conclusion – whether delay alone constituted exceptional circumstances warranting a just and equitable substitution order – whether the court a quo was entitled to grant relief in circumstances where evidence indicated that further assessment, including an impact study, was required – whether the lapse of the internal appeal body rendered the exhaustion requirement inapplicable.

15. Nqwenelwa Piyo v Road Accident Fund
(484/2023)
Appealed from ECB
Date to be heard: 11 May 2026
Mocumie JA, Hughes JA, Meyer JA, Unterhalter JA, Norman AJA
Statutory interpretation – Road Accident Fund Act 56 of 1996 (the RAF Act) – implication of Constitutional rights to human dignity and equality before the law on impugned sections of the Act – whether ss 17(4)(c), 19 and 21 of the RAF Act offended the rights to equality and human dignity as contained in the Bill of Rights – whether the limitations imposed by s 17(4)(c) of the RAF Act constituted an indirect discrimination which violated ss 7, 8 and 9 of the Bill of Rights – whether the high court failed to apply the relevant evaluation and shield from its obligation in terms of s 173 of the Constitution – whether the claim for loss a loss of support in respect of the loss of her husband should have been upheld.

16. Identity Property Fund 1; Jeremy John Ord; Steve Jeffrey Nathan; Grant Martin Campbell Bodley; Athanasios Missaikos; Bruce Watson and Jason Mathew Goodall; Strebis (Pty) Ltd v Dimension Data Facilities (Pty) Ltd; Dimensions Data Investments South Africa (Pty) Ltd and NTT Limited
(154/2025)

Appealed from GJ

Date to be heard: 11 May 2026

Makgoka JA, Mbatha JA, Keightley, Baartman JA, Seriti AJA

Company Law – Law of Evidence - The Companies Act of 2008 – The Law of Evidence Act 45 of 1988 – whether the hearsay evidence tendered by the applicants should be admitted in terms of s 3 of the Law of Evidence Act – whether the application, particularly the issues below, are capable of proper determination on affidavit, and if not, the appropriate order to grant in terms of Uniform Rule 6(5)(g) of the High Court – whether the Campus Transaction was non-compliant with s 75(5) of the Companies Act, which involves whether Identity Propco, as the Purchaser of the Campus, was a related person of the Executives who were directors of DD Facilities or DD Investments and participated in the approval of the Campus Transaction – whether the Campus Transaction required ratification in terms of s 75(7) and if so, whether it was ratified by DD Investments, as the shareholder of DD Facilities, the seller of the Campus – whether the Campus Transaction was voidable, on any of the common law grounds the applicants advance breach of director or agent common law fiduciary duties, payment of a secret commission to another's agent or fraud – if the Campus Transaction was voidable at common law, whether DD Facilities elected to avoid it – whether the Executives by their conduct defrauded NTT by depriving it of the ability to consider the Transaction unaffected by directors with conflicting interests and inducing NTT to conclude the Transaction without knowing that its own Executive were the ultimate beneficiaries of the Transaction, in circumstances where, had NTT known, it would not have concluded the Transaction – whether the legal conclusions contended for by NTT and found by the court a quo in setting aside the Transaction and ordering restitution relied upon any hearsay evidence or were precluded by any material disputes of fact.

17. Smada Security Services (Pty) Ltd v The Department of Justice and Constitutional Development

(378/2025)

Appealed from GP

Date to be heard: 11 May 2026

Nicholls JA, Koen JA, Dippenaar JA, Kooverjie AJA, Mooki AJA

Law of Contract – tender award – material mistake – whether the respondent committed a material mistake of fact in awarding the tender to the appellant – alternatively, whether a binding contract was concluded between the parties

18. Impala Refining Services Limited v The Commissioner for the South African Revenue Service

(996/2024)

Appealed from GP

Date to be heard: 12 May 2026

Molemela P, Nicholls JA, Matojane JA, Molitsoane AJA, Zilwa AJA

Tax Law – Tax Administration Act 28 of 2011 – Income Tax Act 58 of 1962 – whether the excess advances claimed in the 2013 year of assessment were expenditure of a revenue or capital nature for the purposes of deduction under s 11(a) of the Act – whether the deduction was deferred in terms of ss 22, 23F and/ or 24M of the Act until the 2013 year of assessment – whether the excess advances paid by the appellant (IRS) to A1 specialised Services (A1), constituted prepayments of the purchase price, as IRS asserts, or loans, as claimed by the respondent (CSARS) – whether the terms relating to the excess advances were replaced by the terms in the agreements.

19. DCL Interiors CC (In Liquidation) v Weavind & Weavind Inc., Dennis Christopher Louw N O, Melanie Louw N O, Pasqualino Lattuca N O (In their capacities as the joint trustees of the CQC Trust No. IT 298/07)

(497/2025)

Appealed from GP

Date to be heard: 12 May 2026

Hughes JA, Keightley JA, Baartman JA, Dippenaar AJA, Mooki AJA

Company Law – winding-up – void dispositions – s 341 of the Companies Act 61 of 1973 – locus standi – deregistration – authority of liquidators – whether the payments made by the first respondent constitutes dispositions voidable in terms of s 341(2) of the Companies Act – whether the appellant retains locus standi notwithstanding deregistration of the appellant – whether the liquidators had the mandate and authority to institute proceedings – whether the first respondent is liable to repay the amounts received – whether, if the first respondent is liable, the second to fourth respondents are liable to indemnify the first respondent.

20. Pirelli Tyre (Pty) Ltd v Recycling and Economic Development Initiative of South Africa

(1013/2024)

Appealed from GP

Date to be heard: 12 May 2026

Goosen JA, Molefe JA, Smith JA, Phatshoane AJA, Kooverjie AJA

Law of Civil Procedure – National Environmental Management: Waste Act, Act 59 of 2008 – Waste Tyre Regulations, 2009 (GN R149 Gov Gazette 31901 of 13 February 2009) – REDISA PLAN- Government Gazette 35927 (Vol 569) – whether the respondents fee determination was unlawful and if so, was the appellant entitled to collaterally challenge the legality of the respondents fee determination as a defence in enforcement proceedings brought against appellant – whether a basis exists to interfere with the exercise by the high court of its discretion to refuse to entertain Pirellis collateral challenge – whether if for any reason this Court finds that Pirelli should have been permitted to raise its collateral challenge, there is any basis to overturn the high court's finding that collateral challenge is without merit and does not excuse it from payment of the waste tyre fees reflected on its returns for July to October 2016.

21. Lesiba Vaaltyn Kekana, Mokopane Traditional Authority v Premier, Limpopo Provincial Government, The Member of the Executive Council: Department of Cooperative Governance, Human Settlement and Traditional Affairs, Limpopo Provincial Government, Commission on Traditional Disputes and Claims, Lesiba Vaaltyn (Lekgobo) Kekana, Mgombane Royal Council and Senior Royal Family of Ga-kgubudi

(171/2023)

Appealed from LP

Date to be heard: 13 May 2026

Zondi DP, Schippers JA, Mbatha JA, Meyer JA, Steyn AJA

Customary Law – appointment of senior traditional leader Limpopo Traditional Leadership and Institution Act 6 of 2005 – whether the decision of the premier to remove the first Appellant as the Senior Traditional Leader of the Mokopane Traditional Authority amounts to an administrative decision – whether the Premier had a duty to afford the appellants an opportunity to make representations before making the decision that is under review –whether the premier acted within his statutory powers when he ' dissolved the house of Naomi Langa and ordering the Royal Council to marry a candle wife as these were not recommended by the Commission.

22. The Dombo Community, Martin John Dombo N O and Rashilumela John Dombo N O v Tshakhuma Community Trust, Mukandanaglawo Wilbert Mazivhandila N O, Regional Land Claims Commissioner, Chief Land Claims Commissioner and Minister of the department of Rural Development and Land Reform

(795/2024)

Appealed from LLC

Date to be heard: 13 May 2026

Goosen JA, Molefe JA, Keightley JA, Zilwa AJA, Mooki AJA

Law of Property – s 14(3A) of the Restitution of Land Rights Act 22 of 1994 – s 14(3) of the Restitution of land rights Act 22 of 1994 – whether the high court erred in upholding a review of the decision of the Regional Land Claims Commissioner, Limpopo to accept and approve the recommendation of Ms Ratshitanga as well as the publication of the claim of the appellants in the Government Gazette – whether it can be established from the settlement relied upon by the Tshakhuma Community trust whether the Dombo Community ever had the intention of abandoning its claims or to what extent, that the claimed settlement can be of no force and effect due to non- compliance with the provisions of ss 14(3) and 14(3)A of the Restitution of Land Rights Act of 1994.

23. Level Seven Restaurant (PTY) Ltd t/a Level 7 v Signature Restaurant Group (PTY) Ltd

(056/2025)

Appealed from GJ

Date to be heard: 13 May 2026

Hughes JA, Koen JA, Baartman JA, Seriti AJA, Molitsoane AJA

Dispute Resolution – Arbitration – Arbitration Act 42 of 1965 – whether clause 19.9 of the parties arbitration agreement, affording each of the parties a right to appeal a decision of the arbitrator, is lawful and enforceable – if clause 19.9 is lawful and enforceable, whether the Arbitral Ruling upholding the exception should be set aside - whether the provisions in clause 19.9 is capable of being severed from the rest of the arbitration agreement, or whether the entire arbitration agreement is void – whether the appeal against the arbitrators interim award should be remitted to the court a quo or be disposed of by this Court.

24. Stephen Malcolm Gore v Abduruman Moollajie N O (in her capacity as a trustee of the insolvent estate of Mohamed Ismail Patel), Eileen Margaret Fey N O, Abduruman

Moollajie, Stephen Malcolm Gore N.O. (in his capacity as a trustee of the insolvent estate of Mohamed Ismail Patel) (not participating), The Master of the High Court of South Africa, Western Cape Division, Cape Town (not participating)
(489/2025)
Appealed from WCC
Date to be heard: 14 May 2026
Makgoka JA, Matojane JA, Seriti AJA, Steyn AJA, Molitsoane AJA
Insolvency Law – Trustee remuneration – Insolvency Act 24 of 1936 – whether a trustee (provisional or final) may claim/receive remuneration in respect of work/services rendered during a period when he/she was not appointed as a trustee (s 63(1) of the Act) – whether the court a quo was correct in declaring that a trustee may only claim or receive fees earned during the term of his/her appointment – whether the judgment overturns established authority that where a provisional trustee is later appointed as final trustee the provisional trustee's fee is absorbed into the final trustee's fee – whether the appellant impermissibly seeks a share of remuneration earned by other trustees for services rendered before the appellant's appointment as (final) trustee – whether any fee split/arrangement between trustees is an internal matter between trustees and not a matter that concerns the estate.

25. Skema Holdings (Pty) Ltd; Friedrich Wilhelm Gerhard Worner N.O; Hermanus Nicolaas Theunissen N.O; Wilhelm Pretorius Coetzee N.O and David Justin Warmback N.O v Macsteel Service Centres SA (Pty) Ltd
(1458/2024)
Appealed from KZD
Date to be heard: 14 May 2026
Meyer JA, Molefe JA, Mjali AJA, Kooverjie AJA, Norman AJA
Law of Contract– quantification of contractual damages – whether a party found in breach of contract can be absolved from liability on the basis of evidentiary criticism – what is the admissibility and weight of oral and documentary evidence – whether Skema has locus standi to pursue the appeal – whether the court a quo was wrong in holding that the Supply Agreement concluded between the first appellant and the respondent, did not supersede a Credit Agreement already in place, and that the two agreements existed alongside each other – whether the trial court correctly found that the respondent had breached the Supply Agreement – whether the trial court was correct in holding that the respondent has abandoned its special plea – whether

the trial court can be faulted for finding, based on the evidence presented, that the first appellant had failed to prove any damages.

26. Befula Investments (Pty) Ltd t/a Rossi Engineering v Transnet Limited
(627/2025)
Appealed from KZP
Date to be heard: 15 May 2026
Mocumie JA, Makgoka JA, Unterhalter JA, Koen JA, Phatshoane AJA
Arbitration – Prescription Act 68 of 1969 – whether the penalty awards issued by the Arbitrator were discrete, final and enforceable debts which prescribed in terms of s 13 of the Prescription Act – whether the penalty debts were protected from prescription by s 13(1)(f) and (i) and/or s 13(2) of the Act.

27. The Camps Bay & Clifton Ratepayers' Association and Mary Penelopy Joan Lloyd v Camps Bay Beach Hotel (Pty) Ltd; The City of Cape Town; The Executive Mayor of The City of Cape Town; The Registrar of Deeds, Cape Town; The Western Cape Provincial Minister of Environmental Affairs; The Minister of Rural Development and Land Reform and MAS SAM Holding (Pty) Ltd
(90/2025)
Appealed from WCC
Date to be heard: 18 May 2026
Molemela P, Zondi DP, Schippers JA, Molefe JA, Steyn AJA
Administrative Law – Promotion of Access to Justice Act 3 of 2000 (PAJA) – judicial review – whether the appeal is moot – whether the court a quo was correct in holding that the appellants do not have locus standi in this matter – whether the court a quo was correct in holding that the appellants unreasonably delayed the institution of review proceedings – whether the site development plan that was approved by a municipal official of the City of Cape Town which allows for building heights that conflict with the overlay zoning of Erf 3349 and fewer parking bays than those which conform with the planning appeal decision of the Executive Mayor is lawful – whether the land use planning was lawfully approved – whether the original building plans and/or the rider plans were lawfully approved – whether the appellant has established a ground of review – whether the City could approve a rider plan after the appellant abandoned Part A – whether item 190(3) of the City's Development Management Scheme (DMS) imposes a 10 metre height restriction on facades or on the overall height of a building – whether the

DMS as amended with effect from 3 February 2020 applied to the developer's building plan in respect of the required number of parking bays – whether the building plan entails an elevation of more than three storeys on Victoria Road – whether the City considered the 2012 Table Bay District Plan before approving the developer's land us application – whether Ms Lloyd's failure to exhaust an internal remedy and to apply for exemption from her obligation prevents this Court from entertaining her application for judicial review as per s 7(2)(a) of PAJA.

28. Mahunisi Issac Maluleka, Zelda Maluleka v Nicolaas Matheus Gerber N O, Mariette Pritchards N O, Nicolaas Matheus Gerber N O, Charissa Van Straten N O, Jacques Pieter Theron N O, Dirk Jacobs Winterbach N O
(089/25)
Appealed from GJ
Date to be heard: 18 May 2026
Mbatha JA, Koen JA, Dippenaar AJA
Law of Civil Procedure – Property Law –Eviction – whether the appellant had discharged the onus proof – whether the appellant failed to meet the suspensive condition – whether payment of the deposit constituted payment to the seller.

29. The Kgetlengrivier Concerned Citizens v The Kgetlengrivier Local Municipality and Magalies Water Board
(361/2025)
Appealed from NWM
Date to be heard: 18 May 2026
Meyer JA, Matojane JA, Goosen JA, Mjali AJA, Kooverjie AJA
Administrative Law – Constitutional Law – public procurement – municipal governance – s 217 of the Constitution – Municipal Finance Management Act 56 of 2003 – the rationality of the appointment decision; whether the 'emergency' appointment of one organ of state by another displaces or dilutes the constitutional procurement requirements of s 217, namely that procurement must be fair, equitable, transparent, competitive and cost-effective – whether reliance on s 110(2) of the Municipal Finance Management Act and regulation 36 justified deviation from ordinary procurement processes – whether there was adequate funding, reporting, council oversight and compliance with supply chain management policies – whether the court a quo erred in dismissing the review and granting an adverse costs order against a public interest litigant, allegedly in conflict with the *Biowatch* principle.

30. Ganes Anil Ramdhin v Rondebosch Medical Centre (Pt) Ltd
(084/25)
Appealed from WCC
Date to be heard: 19 May 2026
Mocumie JA, Schippers JA, Hughes JA, Koen JA, Zilwa AJA
Law of Contract– Breach of Contract – Health Professions Act 58 of 1974 – whether a contract between a health provider and a health professional is terminated as a matter of law upon that person's suspension in terms of the Health Professions Act 58 of 1974 (the act)– whether the high court erred in finding that the appellant's contractual rights to admit patients to a private hospital, the Rondebosch Medical Centre terminated as a consequence of his suspension from practice by the HPCSA – whether it was an implied term of the oral contract between the appeal and the respondent that the admission privileges (being contractual rights to admit patients the Hospital) would terminate in the event he was no longer registered or permitted to practice as a medical practioner in terms of the act – whether the appellant had established the requisite for an interim interdict pending the main relief sought in part B of his notion of the motion.

31. Name of Ship: MV 'Haralambos' Hengdeli Deyesion International Shipping Limited v MV 'Haralambos', Nero Oil Incorporated and Iron Pasha Incorporated.
(104/25)
Appealed from KZD
Date to be heard: 19 May 2026
Mbatha JA, Goosen JA, Smith JA, Phatshoane AJA, Norman AJA
Maritime Law – vessel - association – s 5(3) of Admiralty Jurisdiction Regulation Act 105 of 1983 – whether the allegations contained in the founding affidavit filed of record by the appellant in the arrest application were sufficient to establish the association contended for n a balance of probabilities.

32. The Municipal Employment Pension v Ntabankulu Local Municipality
(098/25)
Appealed from GJ
Date to be heard: 20 May 2026
Molemela P, Mbatha JA, Baartman JA, Molitsoane AJA, Mooki AJA

Law of Civil Procedure – Prescription Act 68 of 1969 – Uniform Rukes – Rule 42(1)(a) – Recession – whether the appellant has met the requirements to recession in terms of Rule 42(1)(a) of the Uniform Rules, in that the default judgment was erroneously granted and erroneously sought, and in the absence of the appellant – whether the appellant has met the requirements for recession under the common law and that good cause exists for this court to grant the recession.

33. Fako Philip Chetane v The Minister of Police and The National Director of Public Prosecutions

(482/2025)

Appealed from FB

Date to be heard: 20 May 2026

Zondi DP, Keightley JA, Unterhalter JA, Koen JA, Norman AJA

Criminal Law and Procedure – unlawful arrest – delictual claim for damages – Criminal Procedure Act 51 of 1977 – Domestic Violence Act 116 of 1998 – whether the appellant's arrests on two occasions and the detention following on the second arrest were lawful – whether the appellant was maliciously prosecuted – whether the trial court erred in relying on legislation not pleaded – whether the court a quo erred when it mero motu considered and applied documents and information not placed before it – whether the court a quo failed to consider or critically evaluate the respondent's failure to cross examine the appellant, leaving his version uncontested – whether an offence had been committed and whether the arrest and prosecution was unlawful.

34. Miganu Investment Holdings (Pty) Ltd v Africa Wide Investment Holdings (Pty)Ltd (078/25)

Appealed from GJ

Date to be heard: 20 May 2026

Mocumie JA, Makgoka JA, Meyer JA, Steyn AJA, Dippenaar AJA

Law of Civil Procedure – Discovery of documents – test for appealability – Uniform Rules – Rule 35 – whether the appellant ought to be compelled to disclose documents which are under its control – whether the appellant is obligated to provide a disclosure of documents pursuant to rule 35 in circumstances where there is a separated issue and whether such documents ought to be discovered at this stage of the proceedings – whether the appellant ought to amplify upon the disclosure of documents it alleges to have already discovered.

35. QI Logistics (Pty) Ltd v The Commissioner for the South African Revenue Service (180/2025)

Appealed from GP

Date to be heard: 21 May 2026

Zondi DP, Smith JA, Unterhalter JA, Seriti AJA, Molitsoane AJA

Tax law – Customs and Excise Act 91 of 1964 – whether the appellant's obligations were interpreted correctly in terms of the Customs and Excise Act 91 of 1964 – whether the decision of the Commissioner to hold the appellant liable for the amount of R14 199 139.35 in duties, RAF levies and fuel levies for goods imported by the appellant; and the amount of R20 881 366.00 as forfeiture in lieu of the goods, falls to be reviewed and set aside – whether the Commissioner relied on proper evidence to prove non-compliance with the provisions of the Customs Act – whether the Commissioner's decision to forfeit the goods and demand the full value in lieu therefore, was made on exercise of proper discretion.

36. Dynlog Rental (Pty) Ltd t/a Dynamic Truck Rental (Reg No: 2007/033524/07) v The National Prosecuting Authority

(732/2024)

Appealed from FB

Date to be heard: 21 May 2026

Makgoka JA, Goosen JA, Phatshoane AJA, Kooverjie AJA, Mooki AJA

Special leave to appeal – s 17(2)(d) of the Superior Courts Act 10 of 2013 – restrained order – Prevention of Organized Crimes Act 121 of 1998 (POCA) – whether the applicant has passed the test for the granting of special leave to appeal – whether the jurisdictional facts for granting a restraint order were absent – whether POCA can be used where a tax payer has been criminally charged for contravening the provisions of tax laws – whether there are conflicting approaches in case law regarding the use of POCA for tax-related offences – whether the full court correctly upheld the appeal (partially) after the court a quo dismissed the application with costs.

37. Maureen Labuschagne, Willem Adriaan Labuschagne v Ella Van Straaten

(1172/23)

Appealed from FS

Date to be heard: 21 May 2026

Schippers JA, Meyer JA, Baartman JA, Mjali AJA, Zilwa AJA

Property Law – Alienation of Land Act 68 of 1981 – National Credit Act 34 of 2005 – sale of land on instalments – non-registration – cancellation – forfeiture – eviction – whether condonation for the reinstatement of the appeal should granted – whether the respondent was entitled to obtain cancellation of a sale of land on instalments agreement and consequential relief in circumstances where the agreement was not registered in terms of the Alienation of Land Act and where no notice in terms of the National Credit Act was alleged or proved – whether the full court was entitled to grant cancellation, forfeiture and eviction in the absence of pleaded and proven statutory compliance – whether the forfeiture order, despite payment of approximately 77 per cent of the purchase price, was competent – whether the full court's reasoning is consistent with the Constitutional Court's decisions in Amardien and Others v Registrar of Deeds and Others 2019 (3) SA 341 (CC) and Botha and Another v Rich NO and Others 2014 (4) SA 124 (CC).

38. The Commissioner for the South African Revenue Service v Cornucopia Trust (469/2025)

Appealed from GP

Date to be heard: 22 May 2026

Mocumie JA, Nicholls JA, Matojane JA, Steyn AJA, Zilwa AJA

Tax Law - Income Tax Act 58 of 1962 – whether having regard to the facts of the case, the raising fee paid by Cornucopia constituted 'interest', in the form of a 'similar finance charge', as defined in s 24J(1)(a) of the Income Tax Act 58 of 1962 or whether the 'raising fee' is deductible under s 11(a) of the Act.

39. Jacobus Johannes Maritz v The Road Accident Fund

(317/2025)

Appealed from FB

Date to be heard: 22 May 2026

Makgoka JA, Molefe JA, Baartman JA, Mjali AJA, Mooki AJA

Law of Delict – Road Accident Fund – evidence – hearsay – expert evidence – whether a letter from the Health Professions Council of South Africa constitutes inadmissible hearsay evidence – if admissible, whether the court a quo and the full court were correct in relying on the letter to reject admitted medico-legal expert reports supporting the plaintiff's claim for loss of earnings.

40. Cathy Ann Barnard v Ian Keith Barnard

(562/2025)

Appealed from GJ

Date to be heard: 22 May 2026

Schippers JA, Mbatha JA, Hughes JA, Norman AJA, Molitsoane AJA

Law of Civil Procedure – Superior Courts Act 10 of 2013 – Divorce – whether there was due and timeous compliance with the rules of the court, including condonation for the reinstatement of the lapsed appeal – whether the court a quo erred in refusing to grant a postponement of the trial – whether the full court conducted the appeal in an irregular manner in finding that it was not necessary to determine the issue as to whether the trial judge had erred in refusing to grant the postponement – whether the full court was incorrect in deeming that the court a quo was seized with a separated issue before I and it exceeded its powers in terms of rule 33(4)– whether the second and third orders of the court a quo amounted to unappealable default orders – whether the full court erred in finding that those orders were nullities – whether the full court correctly distinguished *Pitelli v Everton Garden Projects CC* 2010 (5) SA 171 (SCA) from this matter.

41. Divine Life Society of South Africa, Aroona Devi Mangrey N O, Jogindra Kishnappa Naidoo N O, Mawalall Chatrooghoon N O, Sachin Heeramun Maharaj N O, Aroon Sukhnandan N O, Kumarasen Naichker N O, Logan Naidoo N O, Santosh Jairam N O, Raveen Harissunker N O, Karusha Harilal N O v Avinash Parshotam

(107/2025)

Appealed from KZD

Date to be heard: 25 May 2026

Schippers JA, Hughes JA, Unterhalter JA, Seriti AJA, Steyn AJA

Property Law– review – disciplinary proceedings – expulsion of a member of a voluntary religious association – eviction from the association's property in terms of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 – interpretation of the first appellant's Constitution – whether the second to eleventh appellants properly constituted the Board as envisaged by the Constitution when it took the decision to expel the respondent – whether the court a quo erred in setting aside the Board's decision on review – conditional cross-appeal – whether the twin rules of natural justice apply to the disciplinary hearing conducted by the first appellant – whether the disciplinary hearing in respect of the respondent

was procedurally fair – eviction proceedings conditional upon the success of the main appeal – what constitutes a just and equitable order in relation to the eviction of the respondent from his primary residence – constitutional considerations – whether the respondent's eviction implicates s 26 of the Constitution – interplay between religious freedom, privacy, dignity and procedural fairness – whether any constitutional issues arise beyond those implicated by the eviction.

42. Sunday Ikechukwa Okoro v The Minister of Police
(515/2024)
Appealed from KZD
Date to be heard: 25 May 2026
Nicholls JA, Mjali A JA, Molitsoane AJA
Application for reconsideration and oral argument – in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013 – the issue on appeal is whether it is necessary given the decision made by the President of this Court to again determine whether there will be a grave failure of justice or the administration of justice will be brought into disrepute if leave to appeal is not granted – Law of Delict – claim for damages – whether the Minister failed to discharge the onus to justify the arrest of the appellant – whether the police complied with the provisions of s 40 (1) (b) of the Criminal Procedure Act 51 of 1977 – whether the detention of the appellant for the entire period from 3 July 2002 to 29 November 2002 was justified.

43. Quentin Arlow v The State
(1124/23)
Appealed from Regional Court Mpumalanga
Date to be heard: 25 May 2026
Matojane JA, Smith JA, Phatshoane AJA
Criminal Law and procedure – whether special leave to appeal in terms of s 17(2)(d) of the Superior Courts Act 10 of 2013 should be allowed – whether further evidence in terms of s 19(1)(b) of the Superior Courts Act should be granted – whether there is a prima facie likelihood of the truth of the evidence – whether the evidence is materially relevant to the outcome of the trial.

44. Gerald Ndlovu v The State
(1256/23)

Appealed from GJ

Date to be heard: 26 May 2026

Mocumie JA, Keightley JA, Norman AJA

Application for reconsideration and oral argument – in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013 – Criminal Law and Procedure – conviction and sentence – murder – Criminal procedure Act 51 of 1977 – Criminal Law Amendment Act 105 of 1977 – whether the applicant should be granted special leave to appeal against his conviction and sentence – whether it was proved in the trial that the applicant's actions were the legal cause of the deceased's death – whether the contradictions in the evidence of the eyewitnesses were immaterial – whether the trial court was correct in convincing the appellant of murder and whether the sentence imposed was just.

45. Aletta Johanna Barnard v Estelle Gouws

(639/2024)

Appealed from GP

Date to be heard: 26 May 2026

Mbatha JA, Matojane JA, Goosen JA

Application for reconsideration and oral argument – in terms of s 17(2)(f) of the Superior Courts Act 10 of 2013 – Law of Civil procedure – Prescription Act 68 of 1969 – prescription – leave to appeal – whether there should be any variation of the prior decision of this Court to dismiss the application for leave to appeal – should leave to appeal be granted whether the special plea of prescription should be upheld – whether there was effective service of the summons or substantial compliance with Rule 4 of the Uniform Rules – If there was non-compliance with Rule 4, whether it should be condoned – whether the Rule 27(3) application brought by the applicant in the court a quo after the hearing of the special plea was irregular as contended by the respondent – whether the respondent's Rule 30 application should be upheld – whether the applicant's claim against the respondent has prescribed.

46. Makasela Consulting and Projects (Pty) Ltd v Mopani District Municipality

(1147/2024)

Appealed from LP

Date to be heard: 26 May 2026

Molefe JA, Koen JA, Zilwa AJA

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 or not there was an agreement between the parties to the effect that the appellant would be paid on a risk basis – whether the respondent had the contractually agreed right to limit the appellant's fees to ECSA Guidelines and whether this limit was correctly applied – what is the correct interpretation of the applicable guideline published in terms of the Engineering Professions Act, 46 of 2000 – whether it is necessary to consider the correctness of an alleged full and final settlement payment and, whether or not a failure to reply amounts to an admission of what is stated in a plea.

47. Irshad Faizal Siddi Ganie v Sadia Siddi Ganie (born Rahim)
(1107/2024)

Appealed from KZD

Date to be heard: 27 May 2026

Molefe JA, Unterhalter JA, Dippenaar AJA, Phatshoane AJA

Constitutional Law – Law of Civil Procedure – punitive costs order – Spousal Maintenance – Superior Courts Act 10 of 2013 17(2)(f) – whether the appellant has demonstrated that there are the exceptional circumstances required for a reconsideration of the order refusing leave to appeal – whether the applicant may be permitted to lead further evidence at the appeal which impacts on care, contact and the primary residence and unsupervised contact– whether the care and primary residence of the minor child should be exclusively with the applicant in circumstances where there is concern that the respondent is a flight risk and the minor child would be exposed to the risk of abduction – whether the granting of punitive cots against the appellant was warranted in circumstances where there were no complaints by the court a quo that he had litigated in an egregious manner – whether a grave failure of justice would result or whether the administration of justice may be brought into disrepute by the orders made by the trial court in relation to shared primary residence of a minor child – whether a grave failure of justice would result or whether the administration of justice may be brought into disrepute by the orders made by the trial court in relation to care and contact – whether a grave failure of justice would result or whether the administration of justice may be brought into disrepute by the orders made by the trial court in relation to an order directing Dr Ganie to pay maintenance to Ms Rahim for herself – whether a grave failure of justice would result or whether the administration of justice may be brought into disrepute by the orders made by the trial court in relation to the amount of maintenance payable by Dr Ganie to Ms Rahim for the minor child – whether a grave failure of justice would result or whether the administration of justice may be

brought into disrepute by the orders made by the trial court in relation to costs of various expert witnesses.

48. President of the Republic of South Africa and The Special Investigating Unit v Telkom SA (SOC) Ltd
(701/24 and 1144/24)
Appealed from GP
Date to be heard: 28 May 2026
Molemela P, Zondi DP, Mocumie JA, Schippers JA, Nicholls JA
Administrative Law – Promotion of Administrative Justice Act 3 of 2000 – Special investigating Units and Special Tribunals Act 74 of 1996 (SIU Act) – whether the President acted " Ultra vires" the provisions of s 2(2)(g) of the SIU Act when deciding to publish the proclamation – whether Telkom is a 'state institution' in terms of the SIU Act Units – whether the decision to issue the proclamation was irrational – whether Telkom had a right to be heard before the proclamation was published – whether the decision to publish the proclamation was reviewable either under the principle of legality or in terms of the Promotion of Administrative Justice Act 3 of 2000 (PAJA) – whether the proclamation issued is unconstitutionally overbroad and vague – whether the court a quo exercised its discretion in terms of s 172(1)(b) of the Constitution judiciously, or at all – whether the state has material financial interest in Telkom –whether the President had sufficient facts before him that enabled him to deem it necessary to refer the allegations for investigation.

49. The Legal Practitioners' Indemnity Insurance Fund v Johan Venter & Associates and Claus Thomas Dieter Breckwoldt
(1524/2024)
Appealed from GJ
Date to be heard: 28 May 2026
Smith JA, Dippenaar AJA, Zilwa AJA
Constitutional Law – Law of Civil Procedure – Leave to appeal – s 17(2)(f) of the Superior Courts Act 10 of 2013 – whether there are exceptional circumstances that permit referral to this Court for reconsideration – whether the refusal to grant leave on petition was correctly decided – if this Court should find that the refusal to grant leave on petition was not correctly decided, whether the order and judgment of the majority of the full court are correct, or whether that of the minority should be sanctioned – whether the court a quo entered the arena of conflict

between the parties, and acted ultra vires its powers by granting relief not sought on the notice of motion, and by introducing and deciding issues not raised for adjudication – whether it is in fact or law, correct to grant a judgment that was not sought by means of the notice of motion, in circumstances where it was pointed out as a defence, that was incompetent, and could not succeed unless amended, and in circumstances where no amendment was moved – whether an appeal can on appeal to it, overturn material findings of the court against whose judgment the appeal lies, when neither party took issue with the mentioned findings, and then reach a final decisions on appeal, on the basis of such overturned findings, with which the parties did not take issue – whether it is a core principle of indemnity insurance law that a claim must first be made by a third party against the insured, before the indemnity insurance obligation is triggered or whether an indemnity insurance claim by the insured against the insurer, can succeed in circumstances where there is no evidence of a claim first made against the insured by a third party – whether the insured's undisclosed agreement constituted a breach and violation of clause 24 of the insurance policy, which prohibits any form of agreement being entered into between the insured and the third party, without the written consent of the insurer, which needs to be first obtained.

50. Christo Johan Rose v The National Prosecuting Authority N O, The National Director of Public Prosecutions N O and Adv S M Mzinyathi: Acting Deputy National Director Head – NPS

(668/2025)

Appealed from GP

Date to be heard: 28 May 2026

Matojane JA, Goosen JA, Koen JA, Phatshoane AJA, Kooverjie AJA

Criminal Law and Procedure – powers of a public and private prosecutor – National Prosecuting Authority Act 32 of 1998 – Criminal Procedure Act 51 of 1977 – whether the private prosecutor stands on the same footing as a public prosecutor – whether or not the court erred and misdirected itself when it dismissed the application – whether or not there are factors which weigh heavily on a decision to pursue a matter as private prosecutor – whether the appellant should have joined the accused person as a party to these proceedings and whether failure to do so is fatal to the appellant's case – whether a private prosecutor who has been furnished with a nolle prosequi certificate is in law entitled to be furnished with representations made without prejudice by an accused person.

51. Esther Lungu, Bertha Lungu, Tasila Lungu, Dalieso Lungu, Chiyeso Lungu, Charles Phiri and Makebi Zulu v Government of the Republic of Zambia, Two Mountains Burial Services

089/2026

Appeal from: GP

Date to be heard: 29 May 2026

Smith JA, Keightley JA, Norman JA, Molitsoane AJA, Mooki AJA

Application for condonation and reinstatement of appeal. Leave to appeal granted by Makgoka JA and Steyn AJA on 11 December 2025

Jurisdiction – international law – Zambian law - whether the high court erred in ignoring the exclusive constitutional and common law rights of the appellants' to bury the remains of the late President Lungu – whether the high court was correct in upholding an agreement over a corpse – whether the high court was correct in granting mandatory relief without a clear right being proved - whether the high court was correct in finding that 'FAA7' was an agreement capable of sustaining a mandatory interdict on the facts – whether the high court was correct in finding that there was a conflict between Zambian and South African Law and that Zambian law was the lex causea – whether the high court was correct in applying Zambian law to the dispute where the Government of Zambia as dominus litis, failed to place the Zambian law properly before the high court by way of expert evidence – whether the high court was correct to the extent that Zambian law was applicable relying on the decision in People v Secretary to the Cabinet Ex Parte Kaweche Kaunda (HP 768 of 2021) [2021] ZMHC 6 (7 July 2021) as a source of Zambian Law – whether the appellants' concluded an agreement with the first respondent wherein the first respondent became entitled to cause the repatriation of the body of the late President Lungu for purposes of a state funeral and burial thereafter in Embassy Park, Lusaka – whether in the absence of an agreement should the burial right of the late President that vests in the first respondent and or the family, yield the right of the Government to bury the late President according to Zambian customs and tradition – which legal system should apply the South African law or Zambian law.

52. MLM and Associates Incorporated and Rose Mosima Leshika v Assetline South Africa (Pty) Ltd

(1146/24)

Appealed from GJ

Date to be heard: 08 June 2026

Zondi DP, Petse JA, Dlodlo JA, Mbha JA, Mphahlele AJA

Credit Law – Law of Civil Procedure – National Credit Act 34 of 2005 – s 17(2)(f) of Superior Courts Act 10 of 2013 – credit agreement – whether an agreement that purports to novate an existing regulated credit agreement by extinguishing the original agreement and substituting a juristic entity as debtor while recasting the original consumer as surety, can lawfully be characterised as a 'supplementary agreement' under the National Credit Act 34 of 2005 (NCA) – if so, does the agreement contain a provision that would be unlawfully if it were included in a credit agreement, where the applicants induced or required to sign the restructured juristic agreement – whether the restructured juristic agreement would be declared void ab initio under s 90(4) read with s 89(5) of the NCA – whether the loan agreement constituted an unlawful supplementary agreement under and in terms of the NCA.

53. Jason Robert Price (Christopher Vlok) and The State

(1174/2024)

Appealed from GP

Date to be heard: 09 June 2026

Zondi DP, Petse JA, Dlodlo JA, Mbha JA, Mphahlele AJA

Application for reconsideration – Criminal Law and procedure – s 17(2)(f) of the Superior Courts Act 10 of 2013 – whether there is a grave injustice or the administration of justice will be brought into disrepute – whether special leave to appeal should be granted – guilty plea to fraud charges for misrepresentations in obtaining a personal bank loan to the value of R 190 000 – whether the sentence of five years direct imprisonment imposed by the trial court and confirmed on appeal is appropriate – whether the approach to reject correctional supervision was in accordance with existing law.

54. Kariki Pipeline & Water Project (Pty) Ltd and Rand Water Board Soc Ltd, CE: Rand Water Board Soc Ltd

(283/2025)

Appealed from GJ

Date to be heard: 10 June 2026

Zondi DP, Petse JA, Dlodlo JA, Mbha JA, Mphahlele AJA

Application for reconsideration – Civil Procedure – s 17(2)(f) of the Superior Courts Act 10 of 2013 – whether there is a grave injustice or the administration of justice will be brought into

disrepute – whether leave to appeal should be granted – security for costs – s 17(2)(b) of the Superior Courts Act – whether there is an obligation to furnish security for costs in terms of Uniform Rule 49(13) where an application for leave to appeal has been refused by the court a quo and where there are contradictory judgements of the High Court on the issue of security for costs – whether the Uniform Rules or the Rules of the Supreme Court of Appeal apply where the Supreme Court of Appeal grants leave to appeal to a full bench of the high court.

55. Sifiso Nyembe v The State

(570/24)

Appealed from GJ

Date to be heard: 10 June 2026

Zondi DP, Petse JA, Dlodlo JA, Mbha JA, Mphahlele AJA

Criminal Law and Procedure – sentence – whether the court a quo misdirected itself in failing to adequately consider the cumulative effect of the regional court sentence coupled with the sentence that had been imposed by the high court – whether the court a quo misdirected itself in miscalculating the effective sentence – whether the court a quo could impose an unconditional suspended sentence.