

**REPUBLIC OF SOUTH AFRICA**

**SUPREME COURT OF APPEAL**

**BULLETIN 3 OF 2026**

**CASES ENROLLED FOR HEARING: 15 August 2026 – 31 September 2026**

**1. Warren Carl Pace v The State**

**267/2024**

Appealed from WCC

Date to be heard: 17 August 2026

Hughes ADP, Kgoele JA, Keightley JA, Coppin JA, Mooki AJA

Criminal Law and Procedure – Criminal Procedure Act 51 of 1977 – s 276(1)(h) – conviction and sentence – whether the court a quo erred and misdirected itself in finding that the State had proved its case against the appellant beyond a reasonable doubt – whether the court a quo erred and misdirected itself in respect of imposing a sentence that is exceptionally harsh, severe and induces a sense of shock and did not sufficiently consider a sentence of correctional supervision in terms of s 276(1)(h) with a period of imprisonment that is wholly suspended.

**2. Pieter Maritz v Truworths Ltd**

**(1339/2025)**

Appealed from WCC

Date to be heard: 17 August 2026

Molefe JA, Norman JA, Windell JA, Zilwa AJA, Kooverjie AJA

**Contract Law – restraint of trade** – whether the order granted by the court a quo exceeded the pleaded case and the wording of the restraint – whether the court a quo erred on the mis-application of the Plascon-Evans rule – whether there was a breach of the restraint and whether no protectable proprietary interest was established.

**3. Zacpak Cape Town Depot (Pty) Ltd v Commissioner for the South African Revenue Service, Cornerstone Logistics (Pty) Ltd, Preston Cheslin Aitken**

**757/2025**

Appealed from KZD

Date to be heard: 18 August 2026

Makgoka JA, Mbatha JA, Koen JA, Norman JA, Reinders AJA

Tax Law – excise duties – value added tax – Customs and Excise Act 91 of 1964 – whether the appellant can be held liable, as a warehouse licensee, under the Customs and Excise Act 91 of 1964 (CEA) for duties and penalties over excisable goods – whether the appellant’s liability over the excisable goods in terms of s 19(6) of the CEA ceased in terms of s 19(7), which requires the appellant to prove that the goods in question were duly entered in terms of s 20(4) and were delivered or exported in terms of such entry – interpretation of s 19(7) of the CEA.

**4. Musawenkosi Nathaniel Dladla v The State**

**604/2025**

Appealed from GP

Date to be heard: 19 August 2026

Hughes ADP, Goosen JA, Kathree-Setiloane JA, Norman AJA, Kooverjie AJA

Criminal Law and Procedure – s 309C of the Criminal Procedure Act 51 of 1977 – s 51 of the Criminal Law Amendment Act 105 of 1997 – whether the appellant was properly warned of the provisions of s 51

of the Criminal Law Amendment Act – whether the prosecution failed to aver in the charge sheet the circumstances that will be relied on in order to trigger the imposition of life imprisonment – whether the trial court erred in imposing life imprisonment, given the failure of the prosecution to alert the appellant to circumstances that will justify the imposition of life imprisonment – whether the trial court erred in justifying life imprisonment because there was more than one rape committed, where the charge sheet referred to ‘an act of sexual penetration’, considering the appellant was convicted as charged.

**5. Minister of Electricity and Energy v African Climate Alliance Vukani Environmental Justice Movement in Action, The Trustess for the time being of Groundwork Trust, Minister of Mineral Resources National Energy Regulator of South Africa, Minister of Forestry, Fisheries and the environment, The President of the Republic of South Africa**

Appealed from GP

Date to be heard: 19 August 2026

Schippers JA, Mbatha JA, Coppin JA, Mphahlele AJA, Mooki AJA

Administrative law – decisions unjustifiably limited constitutional rights – whether the decisions of the Appellant to include 1500MW of coal fired generation capacity in the 2019 Integrated Resource Plan and subsequently the September 2020 Determination in terms of section 34 of the Electricity Regulation Act is legally and constitutionally valid – whether the Appellant's obligations, including with regards to public participation, during the development and publication of the IRP and the Determination – the constitutional considerations the Appellant must have regard to when making such decisions, particularly regarding the environment and impact on children – The impact of constitutional non-compliance of one energy resource plan on the entire IRP – whether a static not yet implemented government plan is reviewable –whether the Minister and NERSA failed to apply their minds to the impact of their decisions on children's rights and interests – whether the Minister's failure to assess the feasibility of ‘clean coal’ technologies invalidated their decisions – whether the decisions unjustifiably limited constitutional rights, including environmental

rights (section 24), children's rights (section 28(2)), and associated rights to life (section 11), dignity (section 10), equality (section 9), food, water, and healthcare (section 27).

#### **6. Zimisele Collen Vumani Magwenyane v The State**

**631/24**

Appealed from KZP

Date to be heard: 20 August 2026

Zondi AP, Mbatha JA, Matojane JA

Criminal Law – Criminal Procedures Act 51 of 1977 – conviction – sentence – whether the court a quo erred in convicting the applicant – whether the court who heard the appeal misdirected itself in imposing a sentence of 40 years' imprisonment instead of ordering that the sentences should be running concurrently.

#### **7. Western Breeze Trading 434 (Pty) Ltd and Yunus Essop v National Director of Public Prosecutions**

**3292/2025**

Appealed from KZD

Date to be heard: 20 August 2026

Makgoka JA, Goosen JA, Unterhalter JA, Windell JA, Dlodlo JA

Criminal Law and Procedure – s 50 of the Prevention of Organised Crime Act 121 of 1998 (POCA) – whether the court a quo misconstrued the provisions of s 50 of POCA and, in the process, misapplied the law – whether the court a quo was correct in declaring an immovable property forfeit to the State.

**8. The MEC Provincial Treasury and The Provincial Government of Limpopo v Magnum Simplex International (Pty) Ltd**

**1180/2024**

Appealed from GP

Date to be heard: 21 August 2026

Schippers JA, Koen JA, Vally JA, Kooverjie AJA, Mooki AJA

Administrative Law – Procurement Law – The law of contract – Intellectual Property Law

– whether the appellant’s review application was filed late or out of time – whether the doctrine of *pacta sunt servanda* dictates that the agreements that were concluded between the parties must be enforced – whether the appeal is moot – whether this court lacks jurisdiction to entertain a self-review application by an organ of state if such an applicant has not opened criminal cases and/or disciplined the errant officials where fraud or illegality is alleged – whether the awards of tenders NTP 8419 and 8937 were correctly declared unlawful and set aside by the court a quo and whether Annexure B should be declared invalid or *void ab initio* – whether the court should grant a just and equitable remedy and what that just and equitable remedy should be – whether copyright subsists in the system and whether the respondent, lawfully acquired the copyright and/or the intellectual property in the Finest System– whether the respondent has a valid claim for license fees and consequential interest – whether the respondent has a claim for approximately R250 000 000.00 on a cancelled contract – whether, if tenders NTP 8419 and 8937 are not declared unlawful and set aside, the respondent has made out a case for the 23 claims in its counterclaim either in terms of copyright or the law of contract and whether the full court was correct in granting the relief to the respondent – whether the implementation of module 2 and 3 of the Finest System came as a result of a lawfully granted deviation, alternatively exemption, further alternatively authorisation by the then Northern

Transvaal Provincial Tender Board – whether the approval for the implementation of module 2 and 3 of the Finest System was also sanctioned by National Treasury; Auditor General; State Information Technology Agency; and Forums of Chief Financial and Head Department – whether the court a quo has correctly confirmed the respondent’s counterclaim amounting to 250 million on account of the appellant’s continued use of the Finest System.

## **9. City of Cape Town v S Kantso and 52 Others**

**1340/2024**

Appealed from WCC

Date to be heard: 24 August 2026

Hughes ADP, Nicholls JA, Molefe JA, Norman JA, Mooki AJA

**Law of Delict – Law of contract – claim for damages** – whether the respondents’ claims have prescribed under the Prescription Act 68 of 1969 – whether Policy 13776 applies to the respondents and entitles them to compensation – whether the city made an enforceable promise to compensate the respondents – whether either Policy 13776 or the alleged promise gives rise to a legally enforceable obligation for the city to compensate the respondents – whether the respondents presented proof that they were affected by the introduction of MyCiTi bus service.

## **10. Lewis Group limited v Emerald Risk Transfer (Pty) Ltd, Hollard Insurance Company Limited, Intergrated Insurance Administrators (Pty) Ltd, Santam Limited and Guardrisk Insurance Company Limited**

**1128/2025**

Appealed from GP

Date to be heard: 24 August 2026

Meyer JA, Keightley JA, Vally JA, Bloem AJA, Kooverjie AJA

Law of Contract – Arbitration clause – s 6 of the Arbitration Act 42 of 1965 – Prescription Act 68 of 1969 – whether the respondents bear the onus in terms of s 6(1) of the Arbitration Act, and whether they demonstrated, as required by that provision, that disputes regarding prayers (a) and (b) in the appellant’s notice of motion concerned a ‘matter agreed to be referred to arbitration’ – whether the arbitration clause is applicable in the circumstances – whether the court a quo was correct to dismiss, the appellant’s conditional counter-application.

**11. Minister of Social Development, South African Social Security Agency, Minister of Finance v  
Institute for Economic Justice #paythegrants**

**481/2025**

Appealed from GP

Date to be heard: 25 August 2026

Hughes ADP, Meyer JA, Keightley JA, Petse JA, Reinders AJA

Constitutional Law – interpretation – determination of unconstitutionality – whether Regulation 3(2) is unconstitutional and invalid to the extent that it provides for Social Relief of Distress (SRD) grant application to be lodged on an electronic platform only – whether the Covid-19 SRD is a permanent provision as provided for in the Social Assistance Act as amended – whether Regulation 1 to the extent that the words ‘financial support’ means money received on a regular basis which benefits the recipient that does not constitute income, and which the recipient has a legal right to receive – whether Regulation 2(3)(c)(i) is unconstitutional and invalid to the extent that it makes provision for ‘checks against databases that may indicate income or alternative financial assistance’ – whether Regulation 2(3)(c)(ii) is

unconstitutional and invalid to the extent that it directs SRD grant applicants' applications are assessed according to a proxy means test consisting of verification of insufficient means with banks – whether Regulation 6(c) is unconstitutional and invalid to the extent that it precluded unsuccessful applicants of the SRD grant from relying on new information or evidence in an appeal – whether Regulation 5(3)(a) is unconstitutional and invalid to the extent that it makes payments to beneficiaries of SRD grant subject to available funds and permits SASSA to withhold payment of the SRD grant to SRD grant beneficiaries if available funds are depleted – whether SASSA has unjustifiably failed to make payments to approved Covid-19 SRD beneficiaries – whether Twala J erred in finding regulation 3(2) of the SRD Regulations unconstitutional and invalid to the extent that requires applicants to apply on an electronic platform – whether Twala J erred, in adopting a remedy to give effect to the order summarised in paragraph 5.2.1 above, in reading-in words to the text of regulation 3(2) so that it would, pursuant to the reformulation in the order, provide that applications must be made online or at the offices of SASSA – whether Twala J erred in declaring that the word ‘income’ in regulation 1 means ‘money received on a regular basis from formal or informal employment, business activities or investments’ – whether Twala J erred in declaring that ‘financial support’ in regulation 1 ‘means money received on a regular basis which benefits the recipient, that does not constitute income, and which the recipient has a legal right to receive’ – whether Twala J erred in declaring that regulation 2(3)(c)(i) is unconstitutional and invalid to the extent that it makes provision for checks against databases that may indicate income or alternative financial assistance – whether Twala J erred in declaring that regulation 2(3)(c)(ii) is unconstitutional and invalid to the extent that it directs that SRD grant applications are to be assessed by a proxy means test ‘consisting of verification of insufficient means with banks’ – whether Twala J erred in declaring that regulation 5(3)(a) is unconstitutional and invalid to the extent that it makes payments to beneficiaries subject to available funds – whether Twala J erred in declaring regulation 2(5) unconstitutional and invalid to the extent that it sets the income threshold to qualify for the grant at R624 per person, per month – whether Twala J erred in declaring regulation 5(1) unconstitutional and invalid to the extent that it sets the grant value at ‘R370 per person’ – whether Twala J erred in ordering the structural relief set out in paragraphs 17 and 18 of his order.



**12. Rudi Neville Gericke v The State**

**and**

**The Director of Public Prosecutions, Free State v Rudi Neville Gericke**

**244/2024 with 571/2024 and 754/2024**

Appealed from FS

Date to be heard: 25 August 2026

Makgoka JA, Koen JA, Coppin JA, Dlodlo JA, Zilwa AJA

Criminal Law and Procedure – appeal against conviction – special entry appeal in terms of s 318 of the Criminal Procedure Act 51 of 1977 – whether the trial court materially misdirected itself in rejecting the appellant’s version of private defence – whether an irregularity occurred during the proceedings giving rise to prejudice sufficient to vitiate the trial – whether the trial court materially misdirected itself in failing to apply s 51(1) of the Criminal Law Amendment Act 105 of 1997 – whether the sentence of 12 years’ imprisonment is disturbingly inappropriate – whether the appellant was entitled to defend himself by returning fire when he was first shot by the deceased – whether the conviction and sentence should be set aside.

**13. Minister of Police and the National Director of Public Prosecutions v Makhatholela Nkosi Chris**

**967/2025**

Appealed from GJ

Date to be heard: 26 August 2026

Hughes ADP, Kgoele JA, Unterhalter JA, Coppin JA, Reinders AJA

Unlawful Arrest and detention – Prescription – legal effect of judicial remarks – whether the remarks made by Dippenaar J that the respondent’s claim for unlawful arrest had prescribed are binding or not – whether the requirements for prescription in terms of the Prescription Act 68 of 1969, including the existence of a “debt”, knowledge and the running of prescription, are satisfied – whether the principles governing prescription find application on the facts – whether the arrest and subsequent detention of the respondent were justified in law – prosecutorial discretion – whether the decision of the public prosecutor to institute and persist with the prosecution from the stage at which the Linden docket came to hand was lawful, rational and consistent with constitutional principles.

#### **14. Herman Mandacious Maluka v The State**

**1102/2025**

Appealed from MP

Date to be heard: 26 August 2026

Nicholls JA, Molefe JA, Koen JA, Vally JA, Kooverjie AJA

Criminal Law and Procedure – conviction – special leave to appeal granted against conviction – appellant convicted in the regional court on a charge of rape and sentenced to 20 years’ imprisonment – whether special leave to appeal to the full court should be granted – whether the appellant’s right to a fair appeal process was compromised by the high court’s refusal of the petition without a full trial record - whether there are reasonable prospects of success on appeal.

#### **15. Closetrade 200074 CC t/a Ilcor Engineering Services v Crossmoor Transport (Pty) Limited**

**1553/2024**

Appealed from GP

Date to be heard: 27 August 2026

Makgoka JA, Schippers JA, Mbatha JA, Matojane JA, Windell JA

Law of Contract – whether the appellant’s evidence of its witnesses was contrary to the appellant’s claims for storage costs in respect of Claims A and B and the contractual basis of the appellant’s pleaded claims – whether there was no cause of action in respect of the appellant’s claims for storage costs in respect of Claims A and B – whether the appellant proved its claim in regard to Claim B for research and development costs – whether the written agreements contained suspensive conditions that prior to manufacture a deposit was payable by the respondent to the appellant or a guarantee had to be provided by the respondent to the appellant – whether the written agreements were subject to the suspensive conditions – whether a deposit was paid by the respondent to the appellant and no guarantee was provided by the respondent to the appellant within a reasonable time of the conclusion of the written agreements.

**16. Ad All CC t/a Millennium Bodyguards v Kapa Bokoni Trading and Projects 10 CC**

**069/25**

Appealed from GP

Date to be heard: 27 August 2026

Goosen JA, Unterhalter JA, Norman JA, Vally JA, Bloem AJA

Private Security Industry Regulation Act 56 of 2001 – Housing Consumers Protection Measures Act 95 of 1998 – whether the appellant failure to register as a security service provider renders the entire agreement concluded between MBG and the respondent invalid – whether the appellant, an unregistered security service provider, is entitled to retain payments made to it by the respondent for security services rendered by the appellant while it was unregistered.

**17. Habib Overseas Bank Limited v Crestar Printers and Publishers (Pty) Ltd, Ikraam Jaffer, Salahhuddeen Jaffer, Hawa Jaffer, Dr Tanwir Jaffer, Ikraam Jaffer N O, Rashida Omar N O, Ghousbibi Arifullah CC, The Executor in the estate of the late Ahmend Hassan Jaffer, Hawa Jaffer N O, Salahhuddeen Jaffer N O and Dr Tanwir Jaffer N O**

**058/2025**

Appealed from GP

Date to be heard: 28 August 2026

Nicholls JA, Meyer JA, Koen JA, Mphahlele AJA, Kooverjie AJA

Contract law – contractual interpretation – whether the operation of set-off was precluded by any agreement applicable between the parties; and, if set-off is precluded and constitutes a right rather than an obligation on the bank, whether the bank can benefit from its own wrongdoing by refusing to apply set-off.

**18. Capitec Bank Limited v Ubuntu Family Health Centre Grayston (Pty) Ltd**

**328/2025**

Appealed from GP

Date to be heard: 28 August 2026

Kathree-Setiloane JA, Norman JA, Petse JA, Dlodlo JA, Mooki AJA

Company Law – Companies Act 71 of 2008 – whether the general moratorium in s 133(1) of the Companies Act 71 of 2008 applies to vindicatory proceedings (rei vindication) or proceedings for the repossession or attachment of property in the unlawful possession of a company in business rescue, and what is the correct meaning to be ascribed to the words ‘lawfully in its possession’ in terms of s 134(1)(c) of the Companies Act.

**19. The Land and Agricultural Development Bank of South Africa, Suidwes Landbou (Pty) Ltd v Barend Jacobus Van Den Berg, Lorraine Marlene Van Den Berg, Barend Jacobus Van Den Berg N O, Lorraine Marlene Van Den Berg N O, Hendrik Stephanus Lodewicus du Plessis N O and The Registrar of Deeds**

**278/2025**

Appealed from FB

Date to be heard: 31 August 2026

Makgoka JA, Keightley JA, Unterhalter JA, Bloem AJA, Reinders AJA

Law of Civil Procedure – Uniform Rules of Court – application for recusal – whether judge Opperman correctly recused herself – whether the recusal was warranted on the facts, properly applying the legal test for reasonable apprehension of bias on the part of a judicial officer.

**20. The Commissioner for the South African Revenue Service v DVS South Africa (Pty) Ltd, General Motors South Africa (Pty) Ltd and The International Trade Administration Commission**

**100/25**

Appealed from GP

Date to be heard: 31 August 2026

Goosen JA , Kathree-Setiloane JA, Windell JA, Kooverjie AJA, Zilwa AJA

Tax Law – Customs and Excise Act 91 of 1964 – Promotion of Administrative Justice Act 3 of 2000 – review – whether, properly interpreted, ss 39(1)(a), 40(1)(b), 40(3)(a)(i) and 40(3)(a)(ii)(bb) of the Customs and Excise Act 91 of 1964 allow an importer to rectify a bill of entry which contains incorrect or false statements (including in respect of the purpose for which the goods are being entered) by merely submitting

vouchers of correction and claiming a refund, or whether the incorrect bill of entry must be duly substituted with a correct bill of entry – whether, if the incorrect bill of entry must be duly substituted with a correct bill of entry, it was open to the high court to consider the question whether SARS lawfully refused to extend the time period within which a substitution must be sought (despite this not being the target of the review relief) – whether it was indeed open to the high court to consider the lawfulness of SARS's alleged refusal to extend the time period for substitution – whether the first and second respondents made out a case for any such extension – whether the Customs and Excise Act authorises SARS to retain duties on goods not destined for home consumption because of a procedural defect in the bill of entry – whether SARS acted lawfully in refusing to process corrections under s 40(3)(a)(i) and in enforcing the one-month limit in s 40(3)(a)(ii)(bb) without considering an extension – whether SARS's conduct created a legitimate expectation that correction and refund would follow if its procedural guidance were followed – whether a refund is the only just and equitable remedy in these circumstances.

**21. Lebra Development (Pty) Ltd, Hendrik Christoffel Botha, Lisbeth Johanna Louisa Botha, Gerhar Pestrus Van Der Westhuizen and Magdalena Julya Geyser v Ben Coetzee Bester, Marthinus Murray Bester N O, Johannes Barend Bester N O, Riaan Becker N O and Ben Coetzee Bester N O**

**237/25**

Appealed from GP

Date to be heard: 31 August 2026

Nicholls JA, Meyer JA, Coppin JA, Dlodlo JA, Mphahlele AJA

Company law – Companies Act 71 of 2008 – reinstatement of the appeal – whether the appellants have made out a proper case for this court to impede on the discretion exercised and the determination(s) made by the full court of the Gauteng Division of the High Court, Pretoria in dismissing the appellants' application for condonation and reinstatement of the appeal.

**22. Legal Practitioners Fidelity Fund Board as successor -in-law to the Attorneys Fidelity Fund Board of Control v Rodney Adrian Love, The Minister of Justice of the Republic of South Africa**

*in re:*

**Rodney Adrian Love v Attorneys Fidelity Fund Board of Control, The Minister of Justice of the Republic of South Africa and The Law Society of Northern Province South Africa**

**179/25**

Appealed from GP

Date to be heard: 1 September 2026

Schippers JA, Nicholls JA, Vally JA, Reinders AJA, Mooki AJA

Law of Civil Procedure – Attorney’s Act 53 of 1979 – discretion – whether the high court was correct to hold that the Fund unlawfully failed to decide Mr Love’s extension request – whether there are any grounds on which this Court may interfere with the true discretion exercised by the high court in granting an order of substitution.

**23. Rose Mosima Leshika v SB Guarantee Company (RF) Proprietary Limited**

**281/25**

Appealed from GJ

Date to be heard: 1 September 2026

Meyer JA, Goosen JA, Petse JA, Bloem AJA, Zilwa AJA

Law of Civil Procedure – National Credit Act 34 of 2005 – reckless lending – whether an indemnity agreement is a ‘credit guarantee’ defined in the NCA in terms of s 4(2)(c) read together with s 8(5) – whether the NCA is applicable to the indemnity agreement

concluded between the respondent and the appellant which came into being as a result of a suspensive condition in the home loan agreement concluded between the Standard Bank of South Africa Ltd and the appellant – whether the indemnity agreement is a separate agreement from the home loan agreement from which it was borne – whether the bank is guilty of reckless lending as a result of either its failure to conduct an affordability assessment in terms of s 80(1)(a) of the NCA or its failure to conduct a proper and reasonable assessment in granting the appellant credit.

## **24. Radon Projects (Pty) Ltd v N V Properties (Pty) Ltd, Gary Stephen Myburgh N O**

**1394/2024**

Appealed from GJ

Date to be heard: 2 September 2026

Goosen JA, Kgoele JA, Dlodlo JA, Reinders AJA, Zilwa AJA

Law of Civil Procedure – Arbitration Act 42 of 1965 – whether the court a quo correctly found that the arbitrator exceeded his powers – whether the court a quo correctly found that the 21 August 2015 email was not a prima facie or a guideline but a binding ruling – whether the court a quo correctly found that the arbitrator in his letter of 25 November 2017 confirmed his decision on the form of the award – whether the court a quo correctly granted prayer 2 of the notice of motion in circumstances where no grounds for such relief were set out by NVP in the founding affidavit – whether the court a quo correctly dismissed Radon's counter-application to make the award – whether the two interim awards made by the arbitrator were binding; and whether the granting of a final award inconsistent therewith constituted a reviewable irregularity – whether the arbitrator ought to have granted certain consequential substantive relief that was necessary and appropriate in the particular circumstances prevailing.



**25. Senzo Armstrong Ngidi v Member of the Executive Council for Health Kwazulu-Natal**

**442/2025**

Appealed from KZD

Date to be heard: 3 September 2026

Mbatha JA, Kgoele JA, Unterhalter JA, Vally JA, Mphahlele AJA

Law of Evidence – application of evidence principles’ – whether the High Court properly applied the evidentiary principles applicable to the admission and proof of hospital records – whether, had the relevant Guidelines in relation to post-term pregnancies been applied and, in particular, had E’s mother been referred to a hospital as she should have been, would E have suffered the complications that he did – whether that as a matter of probability, the mother’s due date or estimated date of delivery (EDD) was 16 (or 18) January 2013 so that she was post-term on 4 February 2013 when the birth occurred at the clinic – whether that the acute profound hypoxic-ischaemic event occurred because she was post-term or at least that it would not have occurred had she been considered to be post-term and referred to a hospital earlier.

**26. Maximum Profit Recovery (Pty) Ltd v Rustenburg Local Municipality, Bazuzu Trading and Projects CC, MTC Tax Consulting (Pty) Ltd, Bazuzu Trading MTC Tax Consulting JV and Victor Makona**

**207/2025**

Appealed from NWM

Date to be heard: 3 September 2026

Molefe JA, Keightley JA, Koen JA, Mbha JA, Bloem AJA

Municipal Law – s 62 of the Local Government: Systems Act 32 of 2000 – s 7(2)(a) of the Promotion of Administrative Justice Act 3 of 2000 – review – whether s 62 of the Local Government: Municipal Systems Act 32 of 2000 constitutes an effective internal remedy where the award is made by the municipal manager

– when rights accrue in terms of s 62(3) of the Systems Act and whether or not such remedy can be pursued regardless of the accrual of rights.

**27. Police and Prisons Civil Rights Union, Zisamele Cebekhulu N O: The President Police and Prisons Civil Rights Union, Jeff Dladla N O: The Secretary General Police and Prisons Civil Rights, Thulani Ntsele N O The Treasurer Police and Prisons Civil Rights Union v The Minister of Police, The Acting Component Head: Serious Corruption Investigation Directorate for Priority Crimes Investigation – Major General ZA Basi, Captain Mphofa Patricia Magetse, Lt Col Esther Makgamatha, and Lt Col Ludi Schenele.**

**611/2024 & 912/2024**

Appealed from GP

Date to be heard: 4 September 2026

Zondi AP, Dlodlo JA, Reinders 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 – special leave to appeal – interdict – seized items – whether the application for leave to appeal should be upheld – whether there are reasonable prospects of success on appeal as contemplated in s 17(1) of the Superior Courts Act 10 of 2013.

**28. Financial Intelligence Centre, Nedbank Limited and Absa Bank v Siphokazi Ndudane, TCQ Fisheries Management Group (Pty) Ltd, Dennis Henry George, Amavel Mota Moreira, Mota Motor Company t/a Mota Logistics (Pty) Ltd and Democracy in Action**

**267/25**

Appealed from WCC

Date to be heard: 04 September 2026

Hughes ADP, Kathree-Setiloane JA, Koen JA, Kooverjie AJA, Mooki AJA

Law of Civil Procedure – Financial Intelligence Centre act 38 of 2001– whether the respondents established a legal right to information in possession of the FIC – whether the court a quo properly interpreted ss 40 and 41 of the FIC Act – whether the respondents are entitled to rely directly on s 32(1) right of access to information – whether the respondents ought to have joined or given notice to the affected banks, and to other persons whose private or confidential information might be made public if the court granted the order sought – whether the application constituted an impermissible fishing expedition – whether this Court should exercise its discretion to hear and decide the appeal notwithstanding the respondents' abandonment of the judgment and order – whether the respondents' abandonment of the Equality Court's order has rendered the appeal moot – if the appeal is moot, whether it would nevertheless be in their interests of justice for this Court to decide the appeal – whether the Equality Court was correct in compelling the FIC to disclose Absa's confidential and commercially sensitive documents to the respondents.

**29. F.J Senekal Inc v The Standard Bank of South Afrika Limited, The Master of the High Court, Bloemfontein, Elrish Ruwayne Smith N O and Tshiu Vincent Matsepe N O**

**167/2025**

Appealed from FS

Date to be heard: 04 September 2026

Matojane JA, Coppin JA, Windell JA, Mbha JA, Mphahlele AJA

Law of Insolvency – Insolvency Act 24 of 1936 – review application – whether the court a quo exercised its discretion judicially and correctly – whether the court a quo had reached a decision which in the result could not reasonably have been made by a court properly directing itself to all the relevant facts and principles.

**30. Du Toit-Smuts & Partners Attorneys, Adriaan Smuts Property Investments CC and Adriaan Petrus Smuts v Wayne Wilson**

**050/2025**

Appealed from MP

Date to be heard: 07 September 2026

Matojane ADP, Kgoele JA, Keightley JA, Mphahlele AJA, Reinders AJA

Law of Property – deposit paid – purchase of immovable property - Unjustified Enrichment – on what legal basis did the first appellant hold the funds paid by the purchaser in trust with the first appellant – whether the respondent has a claim against the first and/or second appellants for repayment of the funds – whether any such possible claim by the respondent was relied upon on the legal basis and causa of enrichment – whether the first appellant acted as a stakeholder in law at any given relevant time – whether any claim of the respondent on any possible ground or causa has become prescribed – whether the respondent should pay the costs of the application and of previous postponements on a punitive basis – whether the appeal concerns the failure or refusal of an attorney acting as a conveyancer for a seller to refund a deposit paid by the purchaser, which was held in trust in the name of and for the benefit of the purchaser, on the lapsing of the sale agreement – whether there is a duty of an attorney, acting as conveyancer, arising from a conflict of interest between it and the purchaser – whether prescription begins to run from the date on which demand is made by the trust creditor on the trust debtor to refund the monies or if new debt arises when the funds standing to the credit of the trust account are unlawfully paid to a third party – whether the effect of prescription on the status of monies held by an attorney in trust on behalf of a trust creditor, and more particularly, if those trust monies become *res nullius* for anyone to appropriate – whether a claim for contractual damages arising from the breach of sale agreement are liquidated damages – whether the seller was unjustifiably enriched when the attorney paid the balance of the monies held in trust in the name of and for the benefit of the purchaser, to the seller – whether when did the purchasers cause of action against the attorney and /or the seller arose.

**31. Bertie Van Zyl (Pty) Ltd [Reg no: 1965/003114/07], Doornbult 624 Boerdery (Pty) Ltd [Reg no: 1996/016541/07] v The Municipal Manager c/o the Plokwane Local Municipality, The Current Occupiers, The MEC: The Limpopo Department of Agriculture, Rural Development, Land and Environmental Affairs**

**645/2025**

Appealed from LP

Date to be heard: 08 September 2026

Zondi AP, Makgoka JA, Goosen JA, Mphahlele AJA, Bloem AJA

Property Law – Servitude – Mandamus – Municipal Law– Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) – The Municipal Planning By-Laws – Environmental Law – National Environmental Management Act 107 of 1998 (NEMA) - National Water Act 36 of 1998 – Separation of Powers – Rule of Law – Mootness – whether the high court erred in declining to grant interdictory relief protecting a registered praedial servitude – whether the High Court misdirected itself regarding: the legal consequences of land use; the Municipality’s statutory obligations; and the principle of legality – whether the requirements for a final interdict were satisfied – whether a mandamus should have issued compelling enforcement action – whether the appeal is moot – whether there are compelling reasons of conflicting judgments warranting the hearing of the appeal.

**32. Structured Mezzanine Investments (Pty) Ltd, Jean Prieur Du Plessis v The Commissioner for the South African Revenue Service**

**142/2025**

Appealed from ECM

Date to be heard: 08 September 2026

Mbatha JA, Keightley JA, Unterhalter JA, Vally JA, Mooki AJA

Tax law – Tax Administration Act 28 of 2011 – whether the respondent is entitled to the documents pursuant to a s 46 request considering the unreasonable delay in making the request contrary to taxpayers’ rights to prompt administrative action and finality – whether the appellants are entitled to have their names abbreviated in any judgment of this Court and of the court a quo – whether an application by SARS for an order compelling SMI to comply with a request for material issued by SARS in terms of s 46(1) of the Tax Administration Act 28 of 2011 is valid.

**33. Eskom Holdings Soc Limited v Democratic Alliance and United Democratic Movement, Inkatha Freedom Party, ActionSA, Building One South Africa, Dr Lufuno Rudo Mathivha, Dr Tanusha Radmin, Lukhona Mnguni, South African Federation of Trade Unions, National Union of metal Workers of South Africa, Health and Allied Indaba Trade Union, Democracy in Action NPC, Southern African Institute for Responsive and Accountable Governance, White River Neighbourhood Watch, The African Council of Hawkers and Informal Businesses, South African Unemployed People, Soweto action Committee, Mastered Seed Foundation, Ntsikie Mgagiya Real Estate, Fula Property Investments (Pty) Ltd, National Energy Regulation of South Africa, President of the Republic of South Africa, Minister of Public Enterprises, Minister of Mineral Resources and Energy, Minister of Finance, Minister of Forestry, Fisheries and the Environment, Minister of Trade, Industry and Competition, South African Local Government Association Premier: Western Cape, Premier: Northern Cape, Premier Eastern Cape, Premier: KwaZulu Natal, Premier: Mpumalanga, Premier: Limpopo, Premier: Gauteng, Premier: Free State, Premier: North West, The Government of the Republic of South Africa, Minister of Co-operative Governance and Traditional**

**Affairs, Minister of Electricity, Director-General: Department of Public Enterprises and Director-General: Department of Mineral Resources and Energy**

**965/24**

Appealed from GP

Date to be heard: 09 September 2026

Schippers JA, Nicholls JA, Goosen JA, Coppin JA, Zilwa AJA

Law of Civil Procedure – mandatory relief – whether the court a quo erred in the manners contended by Eskom in granting the declaratory relief and the mandatory relief - whether the appeal on Eskom's own version is moot – whether paras 1 and 2 of the court a quo's order impermissibly depart from the pleadings before the court a quo; are impermissibly vague; or impermissibly abstract – whether Eskom has demonstrated that the mandatory relief fall short of the standard set in *Trencon Construction (Pty) Limited v Industrial Development Corporation of South Africa Limited* 2015 [5] SA 245 [CC] – whether it was necessary for the court a quo to restate and deal with the costs order previously granted in favour of ActionSA in dealing with part A – whether Eskom has demonstrated the illegality of the order.

**34. Tshepiso Clifford Seetseng v The Minister of Police and The National Director of Public prosecutions**

**1088/2024**

Appealed from NW

Date to be heard: 09 September 2026

Meyer JA, Norman JA, Windell JA, Petse JA, Kooverjie AJA,

Criminal Law and Procedure – unlawful arrest and detention – quantum – whether the court a quo was correct in determining liability of the first respondent when it was constrained to determining a fair and reasonable award (quantum) that is due and payable to the appellant – whether the first respondent is liable for both pre and post court appearance detention period of the appellant.

**35. Breede Valley Onafhanklik v Speaker of the Breede Valley Municipality, Executive Mayor of the Breede Valley Municipality, Municipal Manager of the Breede Valley Municipality and Breede Valley Municipality**

**130/25**

Appealed from WCC

Date to be heard: 10 September 2026

Schippers JA, Hughes JA, Meyer JA, Vally JA, Reinders AJA

Municipal law – Local Government: Municipal Structures Act 117 of 1998 – Promotion of Administrative Justice Act 3 of 2000 – review – whether the appointment decision is *ultra vires* the resolution taken by the Council allowing for a nomination process (Resolution C114/2021) and the enabling legislative scheme – whether the appointment decision is rational – whether the appointment decision is properly characterised as executive in nature and not administrative action as defined in the Promotion of Administrative Justice Act 3 of 2000.

**36. Lwazi Ngewana v The State**

**321/2025**

Appealed from ECM

Date to be heard: 10 September 2026

Matojane ADP, Kathree- Setiloane JA, Coppin JA, Bloem AJA, Mooki AJA

Special leave to appeal - jurisdiction – Criminal Law and Procedure - whether the court a quo committed misdirection and was wrong in sentencing the appellant to an effective five (5) years imprisonment – whether this Court may have regard to mitigating circumstances advanced on behalf of the appellant, set aside the sentence imposed by the court a quo and replace it with a sentence that it considers appropriate - whether this Court has jurisdiction to adjudicate the appeal on the merits.



**37. The Director Animal Health, Department of Agriculture, Land Reform & Rural Development;  
Minister of Agriculture, Land Reform & Rural Development v George Moerasrivier Boerdery  
(Pty) Ltd**

**039/2025**

Appealed from ECLD

Date to be heard: 11 September 2026

Matojane ADP, Unterhalter JA, Norman JA, Mbha JA, Reinders AJA

Administrative Law – Interpretation of s 19(2) of the Animal Diseases Act 35 of 1984 – The Animal Diseases Regulations, GN R2026 GG 10469 of 26 September 1986 – Promotion of administrative Justice Act 3 of 2000 – issue on appeal is the proper interpretation of s 19(2) of the Animal Diseases Act 35 of 1984 read together with Regulation 30 – whether the first appellant failed to implement the decision of the second appellant dated 17 August 2022 – whether s 19(2) requires that compensation be determined with reference to the fair market value of the animal or thin in a healthy state – whether the respondent failed to exhaust the internal remedies provided for in s 23 of the Animal Diseases Act.

**38. Minister of Police v Underwriters at Lloyds of London**

**168/2025**

Appealed from GP

Date to be heard: 14 September 2026

Matojane ADP, Petse JA, Zilwa AJA

Application for reconsideration and oral argument – in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – delict – vicarious liability – whether the respondent established a sufficiently close connection between the frolic of two members of SAPS involved in 13 others in the robbery and the business of SAPS

– whether the respondent failed to prove that the Minister of Police is vicariously liable for the delicts of the two police officers involved – has the applicant established the circumstances contemplated by s 17(2)(f) of the Superior Courts Act 10 of 2013 to warrant a reconsideration of the decision on petition – whether the applicant has established proper ground before this Court that it has reasonable prospect of success on appeal – whether the trial court correctly held the applicant as the employer of two full time SAPS members vicariously liable for damages in delict for the respondent’s loss suffered in a robbery or a cash deport be a gang that included the two SAPS members.

### **39. Thulani Mkhize v The State**

**957/2023**

Appealed from FB

Date to be heard: 14 September 2026

Mbatha JA, Mbha JA, Kooverjie AJA

Criminal Law and Procedure — s 280(2) of the Criminal Procedure Act 51 of 1977 — appeal against sentence — s 17(2) of the Superior Courts Act 10 of 2013 — whether the trial court correctly exercised its sentencing discretion, including the application of concurrent sentences and the applicability of minimum sentence provisions — whether in a criminal appeal against sentence the trial court erred in failing to properly apply s 280(2) of the Criminal Procedure Act regarding the concurrency of sentences arising from related offences — whether the trial court misdirected itself by imposing sentences on charges relating to possession of a semi-automatic firearm and ammunition as if minimum sentence provisions were applicable when they were not — whether the cumulative sentence imposed is disproportionate or induces a sense of shock, or whether it properly reflects the seriousness of the offences and the circumstances of the case — whether leave to appeal should be granted — whether there are reasonable prospects of success in challenging the sentence imposed.

**40. Khutsafalo Christina Matlhola obo Refenrse Matlhola v The MEC for Health: North West Province**

**236/2025**

Appealed from NWM

Date to be heard: 15 September 2026

Kgoele JA, Petse JA, Bloem AJA

Application for special leave to appeal — Superior Courts Act 10 of 2013 — medical negligence — whether special leave to appeal should be granted in a medical negligence claim arising from alleged obstetric treatment resulting in cerebral palsy — whether the trial court correctly assessed negligence, causation, and the evidential significance of missing medical records — whether in an application for special leave to appeal referred to this Court for reconsideration, the applicant has established special circumstances warranting the grant of leave to appeal in a medical negligence claim concerning alleged negligent intrapartum care leading to brain injury and cerebral palsy — whether the defendant’s medical staff were negligent in their treatment of the minor child, including alleged failures to monitor foetal heart rate and manage the second stage of labour in accordance with accepted obstetric standards — whether the trial court erred in treating the absence of hospital records as a neutral evidential factor, despite the alleged custodial responsibility of the hospital and the contested provenance of the records provided — whether the evidence on record was sufficient to establish negligence and causation on a balance of probabilities, or whether the trial court correctly dismissed the claim — whether there are reasonable prospects of success on appeal — whether special circumstances exist justifying the grant of special leave to appeal.

**41. Simon Lindsay Draycott v Max Hurbert Bega, Serge Philippe Bega, Pierrot Serge Bega, Rosalyn May Maud Bega, Douglas Craig Hall**

**069/2024**

Appealed from KZD

Date to be heard: 15 September 2026

Kathree-Setiloane JA, Dlodlo JA, Zilwa AJA

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

**42. Oscar Jabulani Sithole N O, Christopher Peter Van Zyl N O, Selby Musawonke Ntsibande N O v Matthews Tuwani Mulaudzi, Violet Mabontsi Mulaudzi**

**178/2025**

Appealed from GP

Date to be heard: 16 September 2026

Molefe JA, Bloem AJA, Zilwa AJA

Application for reconsideration and oral argument – in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – Insolvency Law – whether the applicant has demonstrated that exceptional circumstances exist to warrant a reconsideration and, if necessary, variation – Insolvency Act 24 of 1936 – s 81 of the Insolvency Act – whether the court a quo erred in interdicting the applicants from convening, continuing and/or holding

a creditors meeting on 7 December 2023 – whether the court a quo erred in interdicting the applicants from administering the insolvent estate pending an SIU investigation – whether the respondents’ conduct is obstructive – whether the interdict prevents the applicants from completing their statutory duties.

**43. Maxwell Ndlovu Mavudzi v Director of Public Prosecutions, Gauteng Division, Johannesburg**

**1580/2024**

Appealed from GJ

Date to be heard: 16 September 2026

Zondi AP, Mbha JA, Mooki AJA

Criminal Law and Procedure – Reconsideration application – s 17(2)(f) of the Superior Courts Act 10 of 2013 – s 316 of the Criminal Procedure Act 51 of 1977 – whether this Court should reconsider and vary its prior refusal of leave to appeal against convictions and sentences – whether condonation and reinstatement should be granted – whether the high court misdirected itself in relation to the admissibility and use of electronic data evidence, common purpose, duplication of convictions under the Prevention of Organised Crime Act 121 of 1998 – evaluation of circumstantial evidence – whether the convictions and sentences are sustainable in law.

**44. Mogamat Nizam Ally v Kapci Coatings S.A.E**

**290/2025**

Appealed from GJ

Date to be heard: 17 September 2026

Molefe JA, Mbha JA, Bloem AJA

Application for reconsideration and oral argument – in terms of section 17(2)(f) of the Superior Courts Act 10 of 2013 – International Arbitration Act 15 of 2017 (IAA) – whether s 18(1)(b)(iv) and (v) read with s 17 of the IAA place an onus on KAPCI Egypt to produce an arbitration agreement that was signed between Ally and KAPCI Egypt – whether Ally was obligated to participate in the international arbitration proceedings despite not having signed an arbitration clause/entered into an arbitration agreement with KAPCI Egypt – whether the foreign arbitral award is automatically enforceable or whether it constitutes a cause of action – whether the onus lay with KAPCI Egypt to produce an arbitration clause/agreement signed by Ally or whether the onus is upon Ally to prove the defences raised in terms of s 18 of the IAA – whether KAPCI Egypt has produced an international arbitration agreement concluded with Ally in compliance with s 17 of the IAA – whether Ally has established a defence premised on s 18 of the IAA – whether Ally is obligated to challenge the arbitral award in Egypt – whether Ally can challenge the jurisdiction of the arbitral tribunal in the enforcement application brought in terms of s 16 of the IAA – whether an automatic enforcement of an arbitral award brings about an inequitable position between persons seeking to enforce foreign judgments vis a vis persons seeking to enforce foreign arbitral awards.

**45. Serobi Milton Maja (identity number: 520222 05804 084), Chanci Hands Radebe (identity number: 840423 5688 088), Phauwe Frans Radebe (identity number: 670423 5412 088), Lesiba Shadrack Maleka (identity number: 601010 0550 086), Matome Godfrey Masekwameng (identity number: 870624 5822 089), Katlego Solomon Legodi (identity number: 821002 06007 085) v The Trustees for the Time Being of the Reboile Trust ( IT 2495/2001), Joel Mokaka Legodi N.O.(identity number: 5907095721 085) In his capacity as trustee of the Reboile, Trust Matheti Thomas Legodi N O (identity number: 511004 5472 083) In his capacity as trustee of the Reboile, Trust Raesibe Anna Rikhotso N O (identity number: 4912190403 081) In her capacity as trustee of the Reboile Trust, Madimetja Herman Legodi N O (identity number: 5307055308088) In his capacity as trustee of the Reboile Trust, Matsobane Joad Legodi N O (identity number: 600627 5813 088) In his capacity as**

**trustee of the Reboile, Trust Mashiba William Kganyago N O. (identity number: 560523 5436 087)**

**In his capacity as trustee of the Reboile Trust, Michael Legodi N O (identity number:711128 5633 085) In his capacity as trustee of the Reboile Trust**

**1471//2024**

Appealed from LP

Date to be heard: 17 September 2026

Matojane ADP, Petse JA, Zilwa AJA

Application for reconsideration of refusal of leave to appeal — s 17(2)(f) of the Superior Courts Act 10 of 2013 — Trust Law and Civil Procedure — whether leave to appeal should be granted in a dispute concerning the lawfulness of trustee appointments and removal in terms of a trust deed — whether, in an application for reconsideration of a refusal of leave to appeal, leave to appeal should be granted against the High Court’s dismissal of an application challenging the validity of trustee appointments under a trust deed — whether the trustees of the Reboile Trust were lawfully appointed, including whether alleged resignations created vacancies and whether the subsequent election of trustees by beneficiaries was valid in terms of the trust deed — whether the Master of the high court was obliged to issue letters of authority to the appellants as trustees, and whether the existing trustees were unlawfully appointed or continued in office — whether the high court correctly found that the appellants’ case raised no material misdirection of fact or law, and whether it properly applied binding appellate authority to the facts — whether there are reasonable prospects of success on appeal sufficient to justify the grant of leave to appeal and the reconsideration of the prior refusal of such leave.

**46. Quantum Foods Holdings Ltd, Wouter André Hanekom, Geoffrey Fortuin, Gary Vaughan-Smith, Adel Van Der Merwe, André Muller v Tanya Justine Golden, Larry Riddle, Commissioner of Companies and Intellectual Property Commission, JSE Ltd**

**094/2025**

Appealed from WCC

Date to be heard: 29 September 2026

Zondi AP, Makgoka JA, Schippers JA, Nicholls JA, Mbha JA

Contract law – Companies Act 71 of 2008 – whether clause 29.3.2.1 of Quantum’s MOI is contrary to public policy and therefore unlawful; and/or inconsistent with ss 71(3) and (4) of the Companies Act and thus unlawful – whether the first respondent’s removal from office as a non-executive director of Quantum was unlawful; and/or oppressive, unfairly prejudicially and/or unfairly disregarded her interests – whether the decision to remove the first respondent from office is in breach of the fiduciary duties required by s 76(3) of the Companies Act – whether the decision taken on 31 May 2024 for the removal of the first respondent falls to be reviewed and set aside – whether Quantum ought to be ordered through its Board of Directors to issue a SENS announcement within 5 days of the order, to notify shareholders of the Court’s order and the grounds on which the order was granted.