

REPUBLIC OF SOUTH AFRICA

SUPREME COURT OF APPEAL

BULLETIN 2 OF 2025

CASES ENROLLED FOR HEARING: MAY COURT TERM

1. Ramesa Johannes Rathebe v The State

1571/2024

Appealed from: GP

Date to be heard: 2 May 2025

Mocumie JA, Keightley JA, Baartman JA, Phatshoane AJA, Henney AJA

Criminal Law – Criminal Procedure Act 51 of 1977 – evidence – whether the court a quo correctly applied the test apropos to the evaluation of evidence and the onus in criminal trials – whether it was safe to rely on the single evidence of the complainant in convicting the appellant – whether the appellant's version could be reasonably possibly true.

2. Matric Lumphondo v The State

123/2024

Appealed from: GP

Date to be heard: 2 May 2025

Makgoka JA, Kathree-Setiloane JA, Koen JA, Coppin JA, Dawood AJA

Criminal Law – Criminal Procedure Act 51 of 1977 – special plea – whether the dismissal of a special plea in terms of s 106(1)(h) of the Criminal Procedure Act is appealable, prior to the conclusion of a criminal trial – interpretation of ‘written authorisation or instruction’ in s 1 of Part 8 of the Prosecution Policy Directives issued by the National Director of Public Prosecutions – whether there was an irregularity in the authorisation to prosecute.

3. Barend Hermanus Rautenbach, Johan Smit, Francois Smit, Barend De Klerk v The Governing Body of Die Hoërskool DF Malan, The Western Cape Minister of Education
073/2024

Appealed from: WCC

Date to be heard: 2 May 2025

Mokgohloa JA, Mbatha JA, Weiner JA, Smith JA, Henney AJA,

Administrative Law – Promotion of Administration of Justice Act 3 of 2000 – South African Schools Act 84 of 1996 – whether the school governing body (SGB) in terms of the South African Schools Act 84 of 1996 has the power to change the name of the school from DF Malan High School to DF Malan Akademie.

4. Cynthia Nobuhle Khedama v Minister of Police

667/2024

Appealed from: KZP

Date to be heard: 2 May 2025

Hughes JA, Dlodlo AJA, Steyn AJA

Law of Delict – Prescribed Rate of Interest Act 55 of 1975 – Constitutional law – damages – development of the common law – whether the quantum awarded by the full court was grossly disproportional to comparative cases, particularly those involving women, as well international cases from Constitutional democracies – whether the quantum awarded by the full court was misdirected and based on errors in law and fact – whether the full court’s judgment impugned the premium attaching to supreme rights and protections guaranteed in the Constitution – whether the full court erred and failed to recognise that the court a quo in fact infused financial values in its award to reflect the premium attaching to the values of the Constitution – whether the appellant is entitled to an award commensurate to the award of the court a quo that reflects an award which upholds the supreme values of the Constitution – whether the Public Purse and the *in duplum* rule, ought to be considered to reduce the appropriate damages due to the appellant – whether the appellant is entitled to interest from date of issue of summons in terms of the Prescribed Rate of Interest Act – whether the appellant has made out a case for the development of the common law to include in additional award for infringement of a constitutional right in addition to the usual *solatium* awarded by our courts.

5. Pine Glow Investments (Pty) Ltd v The Minister of Energy, The Controller of Petroleum Products, ERF 6 Highveld Technopark Investments (Pty) Ltd, NAD Property Income Fund (Pty) Ltd, Royale Energy (Pty) Ltd, Royale Energy Management Service (Pty) Ltd, Royale Energy Olifantsfontein (Pty) Ltd, Viva Oil (Pty) Ltd, Tokivect (Pty) Ltd

1264/2023

Appealed from: MP

Date to be heard: 5 May 2025

Zondi DP, Mocomie JA, Mokgohloa JA, Koen JA, Molitsoane AJA

Administrative Law – review - Petroleum Products Act 120 of 1977 (PPA) - whether the appellant had an alternative remedy available in terms of s 12A of the Petroleum Products Act, 120 of 1977– what the powers of the Minister are when deciding an appeal in terms of s 12A of the PPA and whether the Minister has powers to remit applications in terms of s 12A of the PPA– whether the Controller of Petroleum Products was *functus officio* when re-considering the third and fourth respondents’ applications for site and retail licences– whether the controller was biased and whether he conducted the re-consideration of the applications in a fair manner.

6. Tridevco (Pty) Ltd and Witfontein X16 Boedery CC v The National Minister of Agriculture, Land Reform and Rural Development, Delegate of the Minister of Agriculture, Land Reform and Rural Development, The Registrar of Deeds, Pretoria, The Ekurhuleni Metropolitan Municipality

062/2024

Appealed from: GP

Date to be heard: 5 May 2025

Nicholls JA, Unterhalter JA, Dawood AJA, Vally AJA, Norman AJA

Statutory Interpretation – Agricultural Land Act 70, of 1970 (SALA) – subdivision of property – whether the definition of ‘agricultural land’ as contained in s 1 of SALA, properly and contextually interpreted applies to the appellants’ property – whether the respondents’ decision to refuse the subdivision of the property was rational – whether the decision was arbitrary – whether there is an alternative relief available to review the administrative action.

7. Jomane Eiendomme (Pty) Ltd v Magistrate E.M van Zyl and Jan Lodewyk Vosloo

067/2024

Appealed from: NWM

Date to be heard: 5 May 2025

Mbatha JA, Matojane JA, Keightley JA, Coppin JA, Phatshoane AJA

Law of Civil Procedure – Superior Courts Act 10 of 2013 – rescission of judgment – review application – appeal against the dismissal of a review application in terms whereof a magistrate granted an order directing delivery of a declaration pursuant to the rescission of a judgment in terms of s 58 of the Magistrate’s Court Act 32 of 1944 – powers of the magistrate when judgment in terms of s 58 of the Magistrate’s Court Act is rescinded - whether the first

respondent acted *ultra vires* when granting a judgment in terms of s 58 of the Magistrates Court Act after becoming *functus officio*.

8. Maria Johanna Kruger v Tate Matthew Sibanyoni & Sibanyoni Family, Minister of Rural Development & Land Reform, Provincial Head of the Department & Land Reform, Eskom Holdings (Pty) Ltd and Steve Tshwete Municipality
1191/2023

Appealed from: LCC

Date to be heard: 6 May 2025

Mokgohloa JA, Smith JA, Tolmay AJA, Molitsoane AJA, Norman AJA

Constitutional Law – Extension of Security of Tenure Act 62 of 1997 (ESTA) – installation of electricity – whether the court a quo erred in granting an order that the appellant consent to the installation of electricity – whether the first respondent made out a case for the relief sought and granted – whether the court a quo could order that the appellant consent to electricity being supplied to the first respondent and interdicted from preventing installation of electricity to the first respondent on the appellant’s property, where the appellant runs the risk of being liable for payment thereof and damage to the installation over appellant’s property.

9. Godfrey Goliath Nicholls N O, Ilse Hope Solomon N O and Elana Oosthuizen N O v Magdalena Gaybba

865/2023

Appealed from: WCC

Date to be heard: 6 May 2025

Hughes JA, Weiner JA, Kathree-Setiloane JA, Henney AJA, Modiba AJA

Prescription – Close Corporations Act, 69 of 1984 – acknowledgment of debt – prescription – whether a claim under s 64 of the Close Corporations Act 69 of 1984 is a “debt” as contemplated in s 10 of the Prescription Act 68 of 1969 – whether the court a quo was correct in finding that the appellants’ claims has prescribed.

10. Mbalenhle Sydney Ntuli v The State

128/2023

Appealed from: GJ

Date to be heard: 6 May 2025

Matojane JA, Unterhalter JA, Koen JA, Coppin JA, Dawood AJA

Criminal Law – Criminal Procedure Act 51 of 1977 – common purpose – whether the mere lack of averment of common purpose in the charge sheet would automatically render a trial unfair – whether the applicant was correctly convicted by the court a quo.

11. Kgosi Nyalala Molefe John Pilane, Bakgatla Ba Kgafela Traditional Council, Bakgatla ba Kgafela Royal Family (Moruleng) v Premier of the North West Province, Rangwane Ramono Pilane Linchwe, Kgafela Kgafela II, Phenias Tjie

035/2024

Appealed from: NWM

Date to be heard: 7 May 2025

Molemela P, Mothle JA, Hughes JA, Kathree-Setiloane JA, Norman AJA

Traditional Leadership – Promotion of Administrative Justice Act 3 of 2000 — whether the Premier properly interpreted the provisions of s 10(2) of the North West Traditional Leadership and Governance Act 2 of 2005 when appointing the administrator or whether he misconstrued to extent of his powers – whether the Premier’s decision to withdraw the designation certificate and recognition certificate of the first appellant based on the resolution of a royal family outside South Africa is lawful and constitutionally valid – whether the Premier’s exercise of powers in withdrawing the designation and recognition certificate of the first appellant was bona fide and rational – whether the designation and recognition of the second respondent as interim Kgosi is legislatively competent and valid.

12. Casper Daniel Kasselmann NO, Gertruida Susanna Kasselmann NO, BVD Administration of States (Pty) Ltd and Loxodonta (Pty) Ltd v The South African National Road Agency SOC Ltd (SANRAL), The Minister, Department of Transport and The Minister, Department of Mineral Resources & Energy

297/2024

Appealed from: GP

Date to be heard: 7 May 2025

Zondi JA, Nicholls JA, Coppin JA, Steyn AJA, Tolmay AJA

Administrative Law – South African National Road Agency Act 7 of 1998 (SANRAL Act) – section 7(2) of Promotion of Administrative Justice Act 3 of 2000 (PAJA) – whether the impugned decision is administrative action as defined in terms of s 1 of PAJA and is therefore

susceptible to judicial review in terms of s 6 of PAJA, alternatively the principal of legality – whether SANRAL acted *ultra vires* its empowering legislation in taking the impugned decision – whether the decision was flawed having regard to what served before the SANRAL board based upon which it made its decision, the fact that the decision was not published in accordance with the provision of the SANRAL Act, that there was no public participation as required, that there was non-compliance with the empowering provisions, and whether the decision is unreasonable, irrational and arbitrary – whether SANRAL was exercising public power or performing a public function when it considered the application for authorisation to develop and construct over SANRAL's property, deciding on the levy to be charged – whether the appellant was obliged to exhaust internal remedies as contained in s 57 of the SANRAL Act before approaching the court for relief – whether there was a delay in instituting review proceedings and stands to be condoned.

13. The Rock Foundation properties cc, Esther Nyarwai Ndegwa v Dosvelt Properties (Pty) Ltd and Eli Nathan Chaitowitz

1038/2023

Appealed from: GJ

Date to be heard: 7 May 2025

Mocumie JA, Keightley JA, Unterhalter JA

Law of Contract – National Credit Act 34 of 2005 – whether the suite of commercial agreements constituted a simulated transaction and are unenforceable under the National Credit Act 34 of 2005 or as a *pactum commissorium* or an unlawful scheme akin to that in the *Brusson* case.

14. Engela Dorothea Maria Annandale v Meintjes and Meintjes Rekenmeesters CC, Old Mutual Trust (Pty) t/a Old Mutual Trust

632/23

Appealed from: GP

Date to be heard: 8 May 2025

Mocumie JA, Keightley JA, Phatshoane AJA

Law of Contract – the parties entered into an agreement in 2015 in respect of the management of an accounting business after the member of the first respondent passed away – terms of the agreement was in dispute and application was brought for relief to appoint an independent

auditor to investigate the books – the issue on appeal is whether leave to appeal should be granted, and if granted, whether the appellant should be successful in the light of the finding of the court a quo and full bench that her evidence is not only improbable, but untruthful and to be rejected.

15. Martha Johanna Petronella Rossouw v Blignaut & Wessels, MEC: Police, Roads and Transport for the province of the Free State

1234/23

Appealed from: FB

Date to be heard: 8 May 2025

Makgoka JA, Mbatha JA, Weiner JA, Vally AJA, Modiba AJA

Law of Civil Procedure - Institution of Legal Proceedings Against Certain Organs of State Act 40 of 2002 - whether condonation should be granted to the appellant in her representative capacity on behalf of her minor children for the non-compliance with s 3 (2) of the Act.

16. AV Theron & Swanepool Inc, Matthys Swanepoel v Neil Sean Knott

237/2024

Appealed from FB

Date to be heard: 9 May 2025

Mocumie JA, Kathree-Setiloane JA, Smith JA, Dawood AJA, Henney AJA

Law of Contract – Breach of Contract – Negligence — whether the appellants’ admitted negligence (breach of mandate) was proximate cause of the Respondent’s loss of a bargain, in monetary terms and whether the respondent is entitled to damages arising from breach of contract.

17. Herman Mercer Crous v Wynberg Boys High School, Eastco Travel CC and Lorraine Fourie

200/2024

Appealed from GP

Date to be heard: 9 May 2025

Makgoka JA, Weiner JA, Koen JA, Baartman JA, Tolmay AJA

Law of Civil Procedure – Close Corporations Act, 69 of 1984 – Plascon-Evans Rule – whether all members of a close corporation are automatically jointly and severally liable for

the debts of a close corporation when a court finds that there has been a gross abuse of the separate juristic personality of a close corporation in terms of s 65 of the Close Corporations Act, 69 of 1984 – whether the *Plascon-Evans Rule* was correctly applied by the court a quo – whether the court a quo erred in finding that the the appellant was jointly and severally liable for the liability owed by the second respondent to the first respondent.

18. Johannes Diederick Le Roux N O (Curator ad item for Ntomzodwa Patricia Olifant) and Johannes Diederick Le Roux N O (Curator ad item for Johannes Barry) v The Nelson Mandela Bay Municipality

239/2024

Appealed from ECMK

Date to be heard: 9 May 2025

Hughes JA, Matojane JA, Steyn AJA, Vally AJA, Modiba AJA

Law of Delict – claim for damages - whether the respondent is delictually liable for damages suffered by Mrs and Mrs Olifant (represented by the curator *ad litem*) as a result of the drowning of their minor child in a municipal drain.

19. Glencore Operations South Africa (Pty) Ltd, Arm Coal (Pty) Ltd and Goedgevonden Joint Venture v The Commissioner for the South African Revenue Services and Anand Khelawon N O

406/24

Appealed from: GP

Date to be heard: 12 May 2025

Molemela P, Kathree-Setiloane JA, Koen JA, Phatshoane AJA, Norman AJA

Administrative law – Promotion of Administrative Justice Act 3 of 2000 – review – the issues on appeal are whether to set aside the decision of SARS’ National Appeals Committee to recoup an amount of R82 984 080.00 claimed as diesel refunds by the third appellant – whether the third appellant complied with note 6(f)(ii)(cc) and indeed the holder or cessionary of a mining authorization in terms of the Mineral and Petroleum Resources Development Act 28 of 2002.

20. Manyaku Maria Thulare v Morwamohube Ernest Thulare, Thoromet Jane Deborah Thulare, The Premier, Limpopo Province, The Minister of Co-operative Governance

and Traditional Affairs, The President of the Republic of South Africa and Limpopo House of Traditional Leaders

470/2023

Appealed from: LP

Date to be heard: 12 May 2025

Zondi JA, Keightley JA, Unterhalter JA, Steyn AJA, Henney AJA

Customary Law – dispute of kingship – Traditional and Khoi-San Leadership Act 3 of 2019 – Traditional Leadership and Governance Framework Act 41 of 2003 – Limpopo Traditional Leadership and Institutions Act 6 of 2005 – whether there were any compelling reasons for the appeal to be granted – whether the meeting of 28 February 2021 was a meeting of a properly constituted Royal Family – whether the meeting of 21 February 2021 was a meeting of a properly constituted Royal Family – whether the first respondent was a member of the Royal Family and whether he was eligible to be appointed as Acting King and seed-raiser – whether the appellant could introduce a new issue in an appeal stage.

21. Aptitude Trading Enterprise (Pty) Ltd v The City of Tshwane Metropolitan Municipality, The Municipal Manager of the City of Tshwane Metropolitan Municipality 251/24

Appealed from: GP

Date to be heard: 12 May 2025

Mocumie JA, Mokgohloa JA, Coppin JA, Tolmay AJA, Molitsoane AJA

Municipal Law – Regulation 36 of the Municipal Supply Chain Management Regulation, Section 172(1)(b) of the Constitution – whether the court a quo can competently amend an order granted by another single judge relating to a suspension of a declaration of invalidity in terms of s 172(1) of the Constitution – the legal effect of the lapsing of a declaration of invalidity and the availability and applicability of Regulation 36 of the Municipal Supply Chain Management Regulations – whether the appeal is moot and has no final and external effect.

22. Kobus Nel v The State

708/2023 (GP)

Appealed from: GP

Date to be heard: 12 May 2025

Nicholls JA, Saldulker AJA, Dlodlo AJA

Criminal Law – sentence – section 17(2)(f) Superior Courts Act 10 of 2013– special leave to appeal – whether an earlier order of this honourable court to dismiss an application for special leave to appeal against the sentence on the basis that no special circumstances exist that warrants an appeal to this Court, should be reconsidered and if necessary, varied – whether substantial and compelling circumstances exist which warrant a deviation from the prescribed minimum sentence of 15 years’ imprisonment on count 3 by part 111 of Schedule 2 of the Criminal Procedure Act 105 of 1997.

23. Minister of Home Affairs, Director-General of the Department of Home Affairs v Vindiren Magadzire, Zimbabwe Immigration Federation NPC
245/2024

Appealed from: GP

Date to be heard: 13 May 2025

Mocumie JA, Mbatha JA, Unterhalter JA, Dawood AJA, Modiba AJA

Law of Civil Procedure – Zimbabwe Exemption Permits – Immigration Act 13 of 2002 – whether the court a quo erred in granting the respondents interim interdictory relief pending Part B review relief – whether the respondents established the requirements for the exercise of the court’s discretion to grant interim interdictory relief.

24. Kurt Robert Knoop N O, Johan Louis Klopper N O v Islandsite Investments 180 (Pty) Ltd, Ronica Ragavan N O, Dhanesvarin Appavoo N O and Hugh Vincent Cooke
260/24

Appealed from: FB

Date to be heard: 13 May 2025

Makgoka JA, Mothle JA, Baartman JA, Phatshoane AJA, Henney AJA

Company Law – Company Act 71 of 2008 – Prevention of Organised Crime Act – whether the matter is moot as the interim interdict was pending Part B, which Part B has since been dismissed and the interim interdict is no longer alive – whether the second respondent, as the sole director and board of the first respondent, had *locus standi* to protect the company’s interest – whether leave under s 133 of the Companies Act, was required and if so, whether it was correctly granted – whether the court a quo had jurisdiction to issue the relief and whether the interim interdict was correctly granted.

With

Islandsite Investments 180 (Pty) Ltd, Ronica Ragavan N O v Kurt Robert Knoop N O, Johan Louis Klopper N O, Dinesh Appavoo N O and Hugh Vincent Cooke

746/2024

Appealed from: FB

Date to be heard: 13 May 2025

Makgoka JA, Mothle JA, Baartman JA, Phatshoane AJA, Henney AJA

Company Law – interlocutory applications – Rule 30 – whether the court a quo erred in dismissing Part B of the application due to it lacking jurisdiction, the second appellant having no authority to launch the application on behalf of the first appellant and the first appellant lacking standing in her own capacity – whether the requirements of s 133 of the Companies Act were satisfied or not – whether the court a quo erred in dismissing the application without affording the appellants a hearing on the merits of Part B – whether the appeal is moot by virtue of the transfer of the property in dispute in Part B of the appellant’s application.

25. Jansen Van Vuuren, Dillion Wesley v The Member of the Executive Council for Health, Gauteng Province

054/2024 (GP)

Appealed from: GP

Date to be heard: 13 May 2025

Mokgohloa JA, Matojane JA, Weiner JA, Smith JA, Vally AJA

Prescription – Institution of Legal Proceedings Against Certain Organs of State Act 40 of 2002 – whether condonation was correctly refused for the late filing of the statutory notice in terms of s 3 of the Institution of Legal Proceedings Against Certain Organs of State Act 40 of 2002.

26. Assmang (Pty) Ltd v The Commissioner for the South African Revenue Service, The Minister of Justice, The Minister of Finance

311/2024

Appealed from: GP

Date to be heard: 13 May 2025

Nicholls JA, Saldulker AJA, Dlodlo AJA

Tax law – Customs and Excise Act 91 of 1964 – refund – whether the appellant is entitled to diesel refunds under the provisions of s 75(1A) and Part 3 of Schedule 6 of the Customs and Excise Act – whether the determination by the First Respondent to disallow the refunds was correct – whether the Appellant complied with the statutory prescripts of Note 6 — whether the appellant complied with the provisions of rebate item 670.04 provided for in the Customs and Excise Act – whether ss 47(9)(c) and 75(1A)(f) of the Customs and Excise Act are inconsistent with the Constitution and therefore unconstitutional.

27. James Thomas Evans v Western Province Athletics

1349/2024

Appealed from: WCC

Date to be heard: 14 May 2025

Mbatha JA, Kathree-Setiloane JA, Koen JA, Dawood AJA, Molitsoane AJA

Law of Civil Procedure – reconsideration application in terms of section 17(2)(f) – Superior Courts Act 10 of 2013 – leave to appeal – whether the court a quo failed in evaluating the evidence – whether the court a quo erred in admitting further evidence without allowing a reply to the applicant – whether the decisions by the Honourable Justices Petse DP and Weiner JA dismissing the applicant’s application for leave to appeal with costs should be varied and leave to appeal should be granted – if so, whether the appeal should succeed and the respondent be held in contempt of court.

28. Parch Properties 72 (Pty) Ltd v Summervale Lifestyle Estate Owner’s Association, City of Cape Town, Theodore Brophy and Willem Hendrik Du Preez and 282 other Respondents)

171/24

Appealed from: WCC

Date to be heard: 14 May 2025

Mokgohloa JA, Baartman JA, Coppin JA, Steyn AJA, Tolmay AJA

Law of Civil Procedure – Community Schemes Ombud Services Act 9 of 2011 — declaratory order – whether the court a quo as forum for first instance had the competence or jurisdiction to entertain the relief sought in terms s 39(4)(d) of the Community Schemes Ombud Services Act, 9 of 2011 - whether the opposition to the motion to include the appellant, the

owner of an adjacent erf, into the homeowner's association and amend the constitution accordingly was unreasonable.

29. Francois Jurie Nicolaas (Cois) Harman v Pieter Hendrik Strydom

285/2024

Appealed from: NWM

Date to be heard: 14 May 2025

Mothle JA, Weiner JA, Smith JA, Vally AJA, Norman AJA

Constitutional law – section 34 of the Constitution of the Republic of South Africa, 1996

– *audi alterem partem* - whether the court *a quo* ignored the principle of *audi alterem partem* by granting orders of a final nature in the absence of the appellant – whether the appellant's rights in terms of the provisions of s 34 of the Constitution were violated – whether an overbroad interim order (with final effect) was granted – whether the respondent's constitutional right to dignity and security of person could have been adequately protected in before the court *a quo* by any other suitable means, affording the respondent similar and adequate redress.

30. Kido Staalwerke CC v Safety Engineering International LLC, Aeroklas Duys (Pty) Ltd

265/1024

Appealed from: GP

Date to be heard: 15 May 2025

Molemela P, Mocumie JA, Makgoka JA, Unterhalter JA, Phatshoane AJA

Patent Law – Intellectual Property Law – Superior Courts Act 10 of 2013 – Patents Act

57 of 1978 – whether the words “hoop radius” upon a proper interpretation refer to the radius of a circle as contemplated by the appellant or to one of the radii of an arcuate member as put forward by the respondent – whether the respondent proved on a balance of probabilities, the location of the centre of mass of the Toyota with the FOLOSA ROPS that the respondents intercepted and investigated whether the respondents were entitled to rely on the location of the centre of mass as illustrated on the diagram that the appellant attached to Rule 30(10) notice – whether the respondent proved on a balance of probabilities, that the appellant infringed on claims 1,7 and 14 of the patent.

31. The Commissioner for the South African Revenue Service v African Bank Ltd

242/24

Appealed from: WCC

Date to be heard: 15 May 2025

Zondi DP, Keightley JA, Dlodlo AJA, Steyn AJA, Norman AJA

Tax Law – Value-Added Tax Act 89 of 1991 (VAT Act) – Tax Administration Act 28 of 2011 – jurisdiction – the issue on appeal is whether the Tax Court had the necessary jurisdiction in terms of s 32(1)(a)(iv) of the VAT act to hear and determine the tax appeal – whether the jurisdiction requirement of s 32(1)(a)(iv) of the VAT Act required a refusal by the Commissioner ‘*to approve a method for determining the ratio contemplated in section 17(1)*’ had not been met because the Commissioner had in fact made an apportionment determination as required by the section – whether the decision of the Commissioner in terms of s 17(1) of the VAT Act in determining the VAT apportionment ratio in his ruling dated 23 September 2021 is subject to objection and appeal pursuant to the provision of s32(1)(a)(iv) of the VAT Act.

32. Eugene Prinsloo v Donovan Theodore Majiedt N O and Reinette Steynburg N O

257/2024

Appealed from: FB

Date to be heard: 15 May 2025

Matojane JA, Weiner JA, Koen JA, Henney AJA, Modiba JA

Constitutional law – Interpretation – Insolvency Act 24 of 1936 – section 63 of the Long Term Insurance Act 52 of 1998 – Insolvent deceased estate – the deceased policy holder and beneficiary were married in community of property and the respondents are trustees of the insolvent deceased joint estate – the issue on appeal is whether the proceeds of the long-term life insurance policy falls within the insolvent deceased joint estate and the nature and effect of a spouse’s liability for outstanding debts after the termination of marriage in community of property and the subsequent sequestration of the joint estate.

33. Tight Business Enterprises CC v Petrus Johannes Lordan N O, Theodorus Louis Lordan N O and Charles Jakobus Pieterse [Trustees of the Lordan Trust (IT 1795/19950)]

356/2024

Appealed from: GP

Date to be heard: 16 May 2025

Mocumie JA, Kathree-Setiloane JA, Tolmay AJA, Vally AJA, Modiba AJA

Law of Civil Procedure – Prescription Act 68 of 1969 –whether the court a quo erred in finding that the prescription began to run on the date of signing the agreement, thereby ignoring the effect of a suspensive condition as well as the wording of the Prescription Act as to when does a debt become due for purposes of prescription – whether the principles of prescription and the provisions of the Prescription Act can be applied to an agreement which contains a suspensive condition.

34. The Financial Sector Conduct Authority, Unathi Kamlana N O, Brandon Topham N O, Gerrit Jacques Bruwer N O v Municipal Employees’ Pension Fund, Akani Retirement Fund Administrators (Pty) Ltd, Akani Properties (Pty) Ltd, Munghana Leisure And Tourism (Pty) Ltd, Margaret Magdalena Le Grange, Zamani Ernest Ephraim Letjane, Nthabeleng Refilwe Motsohi, Jack Bruce Malebane

1344/2023 (GP)

Appealed from: GP

Date to be heard: 16 May 2025

Makgoka JA, Nicholls JA, Smith JA, Dawood AJA, Molitsoane AJA

Administrative Law – Financial Sector Regulation Act 9 of 2017 –Uniform Rule 53 – whether the Financial Sector Authority’s decision to apply for a search warrant is subject to review – whether the Financial Sector Authority is obliged to disclose the record of its decision in terms of Rule 53 or are they exempted from disclosure under the exception in terms of *Competition Commission of South Africa v Standard Bank of South Africa* [2020] ZACC 2 (20 February 2020).

35. Melusi Emmanuel Ncala v Park Avenue Body Corporate, Community Scheme Ombud Services and Dombolo Magkomo Masilela N O

813/2023

Appealed from: GP

Date to be heard: 19 May 2025

Makgoka JA, Mbatha JA, Keightley JA, Tolmay AJA, Vally AJA

Constitutional Law – right to equality and dignity – s 9(c) Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (“PEPUDA”) – adjudication order – s 57 Community Schemes Ombud Service Act 9 of 2011 – whether the Community Schemes Ombud Service (CSOS) ought to have issued an order directing the first respondent, Park Avenue Body Corporate (“Body Corporate”), to take steps to reasonably accommodate the appellant as a person living with a visual disability – whether CSOS could have issued an order that would protect a party’s human rights and if so, should the CSOS have made an order declaring that the appellant’s human rights to equality and dignity have been infringed – whether the high court and the adjudicator failed to properly analyse the right to equality – whether the high court should have made an order of costs against the appellant – whether the high court was empowered to condone the late filing of a statutory appeal in terms of s 57 of the Community Schemes Ombud Service Act 9 of 2011 (“the Act”) against the adjudication order delivered by the CSOS, which source of the high court’s power to condone flows – whether the high court ought to have granted condonation to the appellant for the late filing of its appeal of the adjudicator order – whether the appeal from the CSOS ought to have been upheld by the high court – whether the appellant had made out any case to appeal the dismissal of condonation and whether the high court should have condoned the late filing of his appeal – whether the appellant had made out any case for a “need” which required reasonable accommodation in terms of s 9(c) of PEPUDA and the nature and extent of which PEPUDA and the Act intersected – whether the appellant’s relief was competent in terms of the Act.

36. The Sheriff of the High Court: Giyani (Sidney Herbert Park, an officer of the Court) v Renky Thulani Makhubela
1270/2023

Appealed from: LP

Date to be heard: 19 May 2025

Nicholls JA, Saldulker AJA, Norman AJA

Law of Civil Procedure – Rule 8 and 9 of the Uniform Rules of Court – whether the appellant was *mala fide* in its non-compliance with the court order issued by the court a quo – whether the appellant had a duty to comply with the original order which was operative, valid and enforceable following the dismissal of the appellant’s application for leave to appeal in the court a quo – whether the appellant was justified to deliberately ignore or disregard the order of the court a quo on the basis that he intended to file a petitions to this Court – whether a party

needs to lodge its application for leave to appeal to this Court within the time period specified in an order or utilise the entire prescribed period as specified.

37. Kurt Robert Knoop, Johan Louis Klopper, Juanito Martin Damons, Kgashane Christopher Monyela v Tegeta Exploration and Resources (Pty) Ltd, Koornfontein Mines (Pty) Ltd, Optimum Coal Mine (Pty) Ltd, Ronica Ragavan, Dhanasegaran Archary
312/2024

Appealed from: GP

Date to be heard: 19 May 2025

Hughes JA, Weiner JA, Unterhalter JA, Baartman JA, Molitsoane AJA

Company Law – business rescue – Uniform Rule 7 – declaratory order – whether the court a quo erred in issuing a declaratory order that the attorneys for the second respondent are authorised to represent the said respondent in the main application – whether the declaratory order is a ‘decision’ within the meaning of s 16(1)(a) of the Superior Courts Act – whether rule 7 concerns the question of standing and whether a company does not have standing to seek the removal of business rescue practitioner appointed by the company itself.

38. The Kingdom of Lesotho v Frazer Solar GMBH, Trans-Caledon Tunnel Authority, Lesotho Highland Development Authority, The Standard Bank of South Africa Limited, The Sherriff of the High Court: Johannesburg Central, The Sheriff of the High Court: Centurion East, The Minister of Justice and Constitutional Development, National Government of the Republic of South Africa

438/2024

Appealed from: GJ

Date to be heard: 20 May 2025

Molemela P, Makgoka JA, Mokgohloa JA, Smith JA, Koen JA, Steyn AJA, Modiba AJA

Constitutional Law – International Arbitration Law – UNCTRAL Model Law on International Commercial Arbitration – Article 34(3) of the Model Law – whether the Kingdom of Lesotho ever agreed to submit its disputes with FSG to arbitration in South Africa and to waive its sovereign immunity and subject itself to the jurisdiction of the South African courts – whether the supply agreement and the arbitration clause contained was unlawful and invalid – whether the Lesotho High Court was competent to grant an order reviewing and setting aside and declaring void ab *initio* the supply agreement and the arbitration clause it

contained – whether the arbitration clause contained the supply agreement was validly concluded given that the Minister Ts’olo had no actual or ostensible authority to enter into it on behalf of the Kingdom – whether Minister Ts’olo had the authority to waive the Kingdom’s sovereign immunity and submit the dispute to the jurisdiction of the Arbitrator acting in term of International Arbitration Law – whether the arbitration award is contrary to the public policy of South Africa – whether Article 34(3) of the Model Law is capable of being interpreted to allow condonation on good cause shown, and it is capable of such interpretation, whether the kingdom has made out a case for condonation –whether it should be struck down as constitutionally invalid if Article 34 is found to be incapable of such an interpretation – whether the order of enforcing the arbitration award should be rescinded on the basis that the High Court lacked jurisdiction to make it.

39. Intengo Imoto (Pty) Ltd t/a Northcliff Nissan v Zoutpansberg Motor Wholesalers CC t/a Hyundai Louis Trichardt
474/2024

Appealed from: LP

Date to be heard: 20 May 2025

Zondi DP, Mothle JA, Weiner JA, Kathree-Setiloane JA, Coppin JA

Law of Contract – negligent misrepresentation – *ad pecuniam solvendam* – this appeal concerns a buyer’s liability to pay the purchase price to the seller after a business electronic compromise scam impinged the transaction and the buyer paid the purchase price to an unknown third party – whether the court a quo erred in not finding that the respondent acted at its peril when it failed to verify Intengo’s banking details – whether the court a quo erred in finding that Intengo bore the burden of proof and failed to prove the contract terms.

40. Minister of Police and National Director of Public Prosecutions v Khotso Julius Ramabanta
511/24

Appealed from: FB

Date to be heard: 20 May 2025

Mbatha JA, Saldulker AJA, Dlodlo AJA

Application in terms of Section 17(2)(f) – special leave – delict - unlawful arrest and arrest – damages – whether the second applicant has demonstrated special circumstances for the

granting of special leave to appeal to this Court – if granted the issues on appeal are: whether the full court was correct in finding that there was no reasonable and probable cause for the respondent’s prosecution and that Mr Johannes de Vries (prosecutor) did not have an honest belief that the respondent was guilty of the offences with which he was charged – whether the quantum of damages awarded to the respondent is appropriate.

41. Maano Water (Pty) Ltd v Eskom Holdings SOC Ltd

383/2024

Appealed from: GJ

Date to be heard: 20 May 2025

Matojane JA, Keightley JA, Phatshoane AJA

Law of Contract – contractual negotiations – whether the respondent was obliged to continue with the negotiations after 10 May 2022 - whether a tender cancellation require to be reviewed and set aside before an order that negotiations resume is legally competent.

42. Inzalo Enterprise Management Systems (Pty) Ltd v Chief Albert Luthuli Municipality

102/2024

Appealed from: MP

Date to be heard: 21 May 2025

Nicholls JA, Unterhalter JA, Norman AJA

Municipal law – whether the court a quo had jurisdiction or whether the arbitration clause in the agreement survived the expiry of the agreement by effluxion of time – whether the non-joiner of the National Treasury, the Provincial Treasury and Munsoft (Pty) Ltd was fatal to the application – whether the municipal manager lacked authority to institute proceedings on behalf of the respondent whether the respondent had satisfied the requirements of a mandatory interdict.

43. The MEC for Health: Gauteng Province, Head of Department of Health for the Gauteng Province, Chairperson of the Bid Adjudication Committee, Chairperson of the Bid Evaluation Committee and Tshenolo Waste (Pty) Ltd v Buhle Waste (Pty) Ltd

338/2024 & 384/2024

Appealed from: GJ

Date to be heard: 21 May 2025

Mbatha JA, Baartman JA, Steyn AJA, Tolmay AJA, Vally AJA

Municipal Law – tender validity– s 7(1) Promotion of Administrative Justice Act 3 of 2000 (PAJA) – final declaratory order – whether the court a quo was correct in deciding on the review application, which application was not placed before the court – whether the respondent made out a case for a final declaratory order – whether the court a quo had jurisdiction to grant the relief it did, outside of the time frame prescribed in s 7 (1) of the Promotion of Administrative Justice Act 3 of 2000 – whether it is correct to interpret the first appellant’s letter requesting bidders to extend the validity period of their bids to mean that failure by one or more bidders to agree, resulted in the whole tender process coming to an end.

44. Maximum Profit Recovery (Pty) Ltd v Naledi Local Municipality, Tripple M Advisory Services (Pty) Ltd and Segapo Modisenya

340/2024

Appealed from: NWM

Date to be heard: 21 May 2025

Hughes JA, Kathree-Setiloane JA, Smith JA, Keightley JA, Henney AJA

Administrative Law - Municipal Law – tender validity – Section 217 of the Constitution – whether the process followed by the municipality to award a three-year contract to the second respondent should be declared invalid, unlawful and be set aside – whether the appointment complied with s 217 Constitution, the Preferential Procurement Policy Framework Act – in the event of the declaration of the invalidity granted, what is the appropriate remedy.

45. Julie Lopes, Democratic Alliance v Executive Mayor of the Knysna Local Municipality, Aubrey Tsengwa, Deputy Executive Mayor of the Knysna Local Municipality, Alberto Marbi and Speaker of the Knysna Local Municipality.

345/2024

Appealed from: WCC

Date to be heard: 22 May 2025

Makgoka JA, Mokgohloa JA, Kathree- Setiloane JA, Dawood AJA, Modiba AJA

Administrative Law – review – Promotion of Administrative Justice Act 3 of 2000 – whether the decision to create seven support staff roles for political office bearers was lawful and rational – whether the decisions to appoint eight persons to the seven support staff roles

were lawful, rational and taken in good faith – whether regulations 14 to 19 of the Local Government: Municipal Staff Regulations No 890 published in Government Gazette 45181 on 20 September 2021 (Regulations) applied to the recruitment of the eight persons appointed to the seven support staff roles – whether the court a quo correctly held that an applicant in judicial review proceedings cannot succeed without seeking a rule 53 record – whether the matter is moot, and if so whether this Court should exercise its discretion to hear the matter – whether the Executive Mayor, Deputy Mayor, and Speaker are personally liable for the irregular expenditure of the appointments.

46. Pick n Pay Retailers (Pty) Ltd v Shoprite Checkers (Pty) Ltd

363/2024

Appealed from: WCC

Date to be heard: 22 May 2025

Nicholls JA, Mothle JA, Coppin JA, Vally AJA, Norman AJA

Common law – passing off - infringement – whether the court a quo erred in finding that the respondent had established a clear right in the form of a legally protectable reputation in the get-up of its Forage and Feast range – whether the get-up of the appellant’s infringing range is confusingly similar to the get-up of the respondent’s Forage and Feast range.

47. N'wamitwa Solomon Mkhonto, Walter Daniele Mokoena, Zulu Willias Seerane, Tsundzuka Remember Makhubela, Ephraim Nkuna, N'wanungu Sipho Mlambo, Lakios Mosoma, Fhumulani Cathrine Thovhakale, Ngungunyane Henry Mhlaba v Bushbuckbridge Local Municipality, Cynthia Audrey Nkuna: Municipal Manager, Sylvia Khumalo: Executive Mayor

218/24

Appealed from: MP

Date to be heard: 22 May 2025

Matojane JA, Weiner JA, Koen JA, Phatshoane AJA, Molitsoane AJA

Municipal Law – review – Promotion of Administrative Justice Act 3 of 2000 – whether the court a quo erred in finding that the unilaterally adopted Resolution taken by the respondents (staff placement policy) complied with the requirements of s 66 (1) of the Local Government Municipal Systems Act 32 of 2002.

48. Hassody Katha v Primathie Pillay N O, Kenderuby Ramoothy N O, Master of the High Court: Gauteng Johannesburg

276/2024

Appealed from: GJ

Date to be heard: 23 May 2025

Matojane JA, Koen JA, Dlodlo AJA, Dawood AJA, Steyn AJA

Prescription – deceased estate – Prescription Act 68 of 1969 – whether death constituted a ‘superior force’ as contemplated in s 3(1)(a) of the Prescription Act of 1969.

49. King Sabata Dalinyebo Local Municipality, The Municipal Manager: King Sabata Dalinyebo Local Municipality , The Chief Financial Officer: King Sabata Dalindyebo Local Municipality v Fikile Vincent Hintsa and the Persons listed in Annexure “A”

323/2024

Appealed from: ECM

Date to be heard: 23 May 2025

Mokgohloa JA, Smith JA, Henney AJA, Modiba AJA, Molitsoane AJA

Law of Contract – collective agreement – South African Local Government Associational – resolution – whether the respondents had legal standing to institute proceedings to compel the municipality to comply with the resolutions of its council – whether the court a quo exercised its discretion to grant declaratory relief and, if so, whether it should have exercised that discretion – whether the resolution applied to the respondents.

50. Tekoa Consulting Engineers (Pty) Ltd v Alfred Nzo District Municipality, Municipal Manager: Alfred Nzo District Municipality, Zinzame Consulting Engineers / Cycle Projects/ Ubuntu Bam JV, Emlanjeni JV, Olon Consulting Engineers JV Imp Plant Hire and BM Infrastructure JV Magnacorp

1094/2023

Appealed from: ECG

Date to be heard: 23 May 2025

Hughes JA, Unterhalter JA, Baartman JA, Coppin JA, Tolmay AJA

Municipal Law —tender – review application – whether the full court failed to take into account the fact that the tender was vague in terms and that it included no express or implied requirement of CIBD registration – whether it was lawful for the municipality to disqualify the

appellant's bid – whether the municipality's failure to consider price as part of the tender has consequences – whether the appellant unduly delayed the launch of its review application – whether the appellant had locus standi to bring the review application.

**51. The National Director of Public Prosecutions v Sithembiso Adolphus Gcaba
488/2024**

Appealed from: KZD

Date to be heard: 26 May 2025

Makgoka JA, Coppin JA, Dawood AJA, Phatshoane AJA, Henney AJA

Crimina Law – Prevention of Organised Crime Act 121 of 1998 – interpretation – the interpretation of the word 'pending' in s 40(a) of the Prevention of Organised Crime Act 121 of 1998.

52. Hugo Ras v The State

885/2024

Appealed from: GP

Date to be heard: 26 May 2025

with

Willem Andries Van Jaarsveld v The State

1105/2023

Appealed from: GP

Date to be heard: 26 May 2025

Matojane JA, Unterhalter JA, Baartman JA, Tolmay AJA, Molitsoane AJA

Criminal Law – Criminal Procedure Act 51 of 1977 – sentence – whether the trial court correctly sentenced the appellant and whether the sentences imposed are just and in accordance with the law.

53. Dr Waa Gouws (Johannesburg) (Pty) Ltd v HR Computek (Pty) Ltd, Yolandi Ann Mes, Johannes Hendrick Du Plessis N O, Marial Oelofsen N O, Welcome Norman N O and Master of the High Court, Johannesburg

909/2023

Appealed from: GP

Date to be heard: 27 May 2025

Mbatha JA, Mothle JA, Hughes JA, Unterhalter JA, Modiba AJA

Company Law – *locus standi* of directors in terms of s 354(1) of the Companies Act 61 of 1973 – residual powers of directors of wound-up company in bringing application to rescind order for winding up – whether a company being finally wound-up possessed necessary *locus standi* to bring an application to rescind or set aside a provisional order for winding-up – whether the directors of a finally wound-up company had residual powers to bring an application for rescission of a winding-up order without co-operation of its liquidators.

54(a). The President of the Republic of South Africa, The Minister of Cooperative Governance and Traditional Affairs v Prince Mbonisi Ka Bhekuzulu, Prince Vulindlela Ka Bhekuzulu, Prince Mathuba Ka Bhekuzulu, Prince Gaylord Mxolisi Ka Bhekuzulu, Princess Lindiwe Ka Bhekuzulu, Prince Zweliyazuza Ka Ningi Ka Solomon, Prince Bukhosikabupheli Ka Nkunziyezambane Ka Solomon, Prince Bhekinkosi Ernest Ka Nkunziyezambane Ka Solomon, Princess Thembokuhle Ka Ngqinda Ka Solomon, Princess Silungile Ka Bhekuzulu, Princess Gugulethu Ka Ngqinda Ka Solomon, Princess Zanele Ka Nkunziyezambane Ka Solomon, Princess Thembelihle Cynthia Ka Ningi Ka Solomon, Princess Lindiwe Ka Bhekuzulu, Prince Nokwethemba Bhekinkosi Ka Nkunziyezambane Ka Solomon, Princess Sihlobosenkosi Linduzalo Ka Zwelithini Zulu, Princess Phumuzuzulu Mzomuhle Ka Zwelithini Zulu, Princess Thandeka Ka Zwelithini Zulu, Princess Khonzinkosi Sbambisile Ka Zwelithini Zulu, Prince Nhlanganiso Ka Zwelithini Zulu, Prince Bazabazi Mbuzeli Zwelithini Zulu, Princess Sibusile Ka Zwelithini Zulu, Princess Khethokuhle Zulu

147/2024 and 148/2024 and 217/2024 and 250/2024

Appealed from: GP

Date to be heard: 28 May 2025

With

54(b). The President of the Republic of South Africa, The Minister of Cooperative Governance and Traditional Affairs v Prince Mbonisi Ka Bhekuzulu, Prince Vulindlela Ka Bhekuzulu, Prince Mathuba Ka Bhekuzulu, Prince Gaylord Mxolisi Ka Bhekuzulu, Princess Lindiwe Ka Bhekuzulu, Prince Zweliyazuza Ka Ningi Ka Solomon, Prince Bukhosikabupheli Ka Nkunziyezambane Ka Solomon, Prince Bhekinkosi Ernest Ka

Nkunziyezambane Ka Solomon, Princess Thembokuhle Ka Ngqinda Ka Solomon, Princess Silungile Ka Bhekuzulu, Princess Gugulethu Ka Ngqinda Ka Solomon, Princess Zanele Ka Nkunziyezambane Ka Solomon, Princess Thembelihle Cynthia Ka Ningi Ka Solomon, Princess Lindiwe Ka Bhekuzulu, Prince Nokwethemba Bhekinkosi Ka Nkunziyezambane Ka Solomon, Princess Sihlobosenkosi Linduzalo Ka Zwelithini Zulu, Princess Phumuzuzulu Mzomuhle Ka Zwelithini Zulu, Princess Thandeka Ka Zwelithini Zulu, Princess Khonzinkosi Sbambisile Ka Zwelithini Zulu, Prince Nhlanganiso Ka Zwelithini Zulu, Prince Bazabazi Mbuzeli Zwelithini Zulu, Princess Sibusile Ka Zwelithini Zulu, Princess Khethokuhle Zulu

147/2024 and 148/2024 and 217/2024 and 250/2024

Appealed from: GP

Date to be heard: 29 May 2025

Zondi DP, Nicholls JA, Saldulker AJA, Phatshoane AJA, Molitsoane AJA

Customary law – Traditional and Khoisan Leadership Act 3 of 2019 – res judicata – review and set aside – remittal – whether the President's decision to recognise King Misuzulu as the King of the Zulu Nation in terms of the Traditional and Khoisan Leadership Act 3 of 2019 was lawful – whether there were any jurisdictional influences (namely, an allegation or evidence) that triggered the application of s 8(4) of the Traditional and Khoisan Leadership Act 3 of 2019 – whether the question of whether the identification of Prince Misuzulu (as he was then) had been done in accordance with customary law and customs, which had already been determined in the affirmative in the judgment of Madondo AJP, is *res judicata* – whether the court a *quo* misapplied the principle of *res judicata* and unjustifiably violated the constitutional rights of the Zulu Royal Family by abdicating or abandoning its review powers and obligation to adjudicate the application – whether there was any basis for the court a *quo* to remit the matter back to the President to appoint an investigative committee, in circumstances where s 8(4) of the Traditional and Khoisan Leadership Act 3 of 2019 was not applicable – whether the order for remittal ought to have been accompanied by appropriate safeguards and conditions – whether the court a *quo* ought to have granted Prince Simakade's applications for striking out documents put up by King Misuzulu – in relation to the appeal alternatively the cross appeal brought by Prince Mbonisi, whether the flawed identification is to be reviewed, set aside and remitted to the Zulu Royal Family for decision afresh.