REPUBLIC OF SOUTH AFRICA

SUPREME COURT OF APPEAL

BULLETIN 4 OF 2026

CASES ENROLLED FOR HEARING: 01 November 2026 – 30 November 2026

1. **The Road Accident Fund (RAF) v Desmond Vincent Hugo**
   040/2025

   Appealed from GP

   Date to be heard: 02 November 2026

   Hughes JA, Baartman JA, Windell JA, Mabesele AJA, Mooki AJA

   Law of Civil Procedure – Road Accident Fund Act 56 of 1996 – Rule 19(5) & Rule 19(1) of the Uniform Court Rules – whether the court a quo erred in setting aside appellant's notice of intention to defend, filed in terms of rule 19(5) of the Uniform Court Rules – whether the court erred further in finding that an application for condonation and / or explanation is required for the late filing of a notice of intention to defend in terms of rule 19(5) – whether the court a quo erred in its order when it ruled that the appellant can proceed with the quantification of the claim against the respondent where the issue of liability remained in dispute.

2. **Barthold Dricus Oerlemans v Pieter Hendrik Strydom N O, Haroon Abdool Satar Moosa N O and Deon Marius Botha N O**
   1403/2024

   Appealed from LP

   Date to be heard: 02 November 2026

   Matojane JA, Coppin JA, Unterhalter JA, Jolwana AJA, Sibiya AJA

   Administrative law – recission of judgment **–** whether an interim interdict can be granted against a person who is not a party to the main dispute between two other parties, and, secondly the way in which a discretion should be exercised by a court when ordering the payment of compensation instead of the removal of the encroachment of properties – whether the trail court and court a quo erred in failing to establish whether the appellant gave a reasonable reason for his default and whether he was bona fide with his defence.

3. **Bayafza CC t/a BP Kensington v BP Southern Africa (Pty) Ltd**
   1336/2024

   Appealed from GJ
   Date to be heard: 03 November 2026
   Zondi DP, Molefe JA, Steyn AJA

   Law of Contract – lease agreement –interdict – whether BP Kensington's counter application was premature – whether BP and Oblix unlawfully competed with BP Kensington assisting and cooperating with each other to filch the business of BP Kensington through procuring the termination of BP's Kensington's lease – whether BP Kensington is denuded of its business – whether BP Kensington's continuation of its business or sale thereof is subject to consent of the filching party, being Oblix – whether the common law should be developed to imply a terms into petroleum retailing agreements of good faith-honest performance and a duty to disclose adverse information which has a bearing on the business of the retailer – whether there is an infringement of the constitutionally protected right to trade, as envisaged in s 22 of the Constitution and property as envisaged in s 25 of the Constitution – whether the unlawful competition constituted the infringement of BP-Kensington's contractual rights – whether the common law should be developed in terms of s 39(2) of the Constitution.

4. **ADV. M Van Antwerpen obo Jovane Scholtz, Paul Anton Van Aswegen v The Road Accident Fund and The Chief Executive Officer: Road Accident Fund**
068/2025

   Appealed from GP
   Date to be heard: 03 November 2026
   Mocumie JA, Mbatha JA, Unterhalter JA, Vally JA, Sibiya AJA

   Constitutional Law – Contempt of Court – whether the respondents were in contempt of the court orders that were granted against the first respondent – whether contempt of court proceedings is permissible to enforce compliance with court orders that are granted against the first respondent – whether a just and equitable remedy in terms of s 172(1)(b) of the Constitution should be created to permit contempt of court proceedings under the circumstances.

5. **Mkhatshane Richard Mabasa, Mukhomi Traditional Council, Mukhomi Royal Family, Coghsta, Department of Agricultural and Rural Development, Department of Rural Development and Land Reform, Macevele Elias Phikeni & Sigama Mabasa v Gumbani Agricultural Primary Co-operative**

911/2024

Appealed from LT

Date to be heard: 03 November 2026

Makgoka JA, Nicholls JA, Kathree-Setiloane JA, Mabesele AJA, Dippenaar AJA

Law of Contract – Recission – whether the court a quo erred in dismissing the appeal due to the lack of the record as well as failure to file the rescission judgment or reasons for dismissing the rescission – whether the court a quo in adjudicating the appeal applied the correct test applicable to the determination of rescission application – whether the determination of an appeal, in the circumstances where a litigant has attempted to obtain reasons to no avail from a court, the consequences of such an omission should befall a litigant or such a litigant should be denied a right of appeal – whether the appeal court deals with the substantive merits of the recission based on the available evidence contained in the pleadings, by applying the correct test of good cause in order to arrive at a decision.

6. **Johannes George Kruger N O v Ithala SOC Limited and The South African Reserve Bank: Prudential Authority**

540/2025

Appealed from KZP

Date to be heard: 06 November 2026

Molemela P, Makgoka JA, Schippers JA, Nicholls JA, Goosen JA

Company law – Banks Act 94 of 1990 (Banks Act) – Companies Act 71 of 2008 (Companies Act) – Public Finance Management Act 1 of 1999 (Public Finance Management Act) – whether s 84(1A)(b)(i) of the Banks Act, properly interpreted, require the Repayment Administrator to recover and take possession of all the assets of Ithala, or only those assets shown to have been acquired through unlawful deposit-taking – whether the powers of the appointed Repayment Administrator were curtailed or limited if measured against the management powers and responsibilities of the board of Ithala SOC Limited as contemplated in the Companies Act and Chapter 6 of the Public Finance Management Act.

7. **Amos Aphane v The State 1119/2025**

Appealed from GP
Date to be heard: 06 November 2026
Kgoele JA, Norman JA, Mabesele AJA, Sibiya AJA, Govindjee AJA

Criminal Law and Procedure – conviction and sentence – whether the trial court correctly convicted the appellant on counts one and two – whether the state proved its case beyond reasonable doubt and whether the sentence of life imprisonment imposed is just and appropriate.

8. **Bongani Julius Ubisi v The State**
335/2025

Appealed from GJ
Date to be heard: 09 November 2026
Nicholls JA, Hughes JA, Molefe JA, Coppin JA, Mooki AJA

Criminal Law and Procedure – conviction and sentence – Criminal Procedure Act 51 of 1997 – s 51 of the Criminal Law Amendment Act 105 of 1997 – whether the trial court erred in accepting the identification evidence of a single witness as reliable and sufficient to sustain a conviction – whether the contradictions between the witness's statement to the police and her viva voce evidence were adequately considered and properly evaluated – whether the trial court misdirected itself in rejecting the appellant's alibi without proper scrutiny – whether the sentence imposed was shockingly inappropriate in the circumstances.

9. **Zunaid Vardien v The State**
625/2025

Appealed from WCC
Date to be heard: 09 November 2026
Matojane JA, Baartman JA, Vally JA, Steyn AJA, Sher AJA

Criminal Law and Procedure – s 51(6) Criminal Law Amendment Act 105 of 1997 – sentence – whether the sentence of eight years direct imprisonment ordered by the Wynberg Regional Court and confirmed by the court a quo is too harsh and induces a sense of shock given that

the appellant was a minor at the time of the offences (arrested and sentenced when an adult about nine years later)– whether the Department of Correctional Services correctional and probation officers' reports were fairly and correctly considered – whether the seriousness of the offence trumps the specific circumstances in this case.

10. **Gugu Wesley "Matiri" Madonsela v The State**
367/2025

Appealed from KZP
Date to be heard: 09 November 2026
Goosen JA, Norman JA, Windell JA, Masipa AJA, Govindjee AJA

Criminal Law and Procedure – conviction – whether the appellant has reasonable prospects of success on appeal against his conviction – the main issue on appeal is the credibility and reliability of the identification of the appellant after 34 years by a single witness who was only 15 years old at the time of the incident.

11. **Masala Mabaya v The State**
654/2025

Appealed from LT
Date to be heard: 10 November 2026
Mocumie JA, Hughes JA, Coppin JA, Mabesele AJA, Sibiya AJA

Criminal Law and Procedure — Criminal Procedure Act 51 of 1977 — Criminal Law Amendment Act 105 of 1997 — appeal against conviction and sentence — whether the statement in terms of s 112(2) of the Criminal Procedure Act 51 of 1977 was in accordance with the law — whether the trial court correctly convicted the appellant under the provision of s 51(1) of the Criminal Law Amendment Act — whether the minimum sentences governed under the provision of Criminal Law Amendment Act were applied correctly to the appellant on count 1 of rape — whether there were substantial and compelling circumstances proved by the appellant — whether the effective sentence of life imprisonment is disproportionate to the offence committed.

12. **Kirishna Balagopal Naidoo v The Minister of Police**
1171/2024

Appealed from KZP

Date to be heard: 10 November 2026

Makgoka JA, Mbatha JA, Baartman JA, Dippenaar AJA, Govindjee AJA

Criminal Law and Procedure — fair trial and procedural fairness — s 173 of the Constitution of the Republic of South Africa, 1996 — s 22 of the Superior Courts Act 10 of 2013 — whether the court a quo was judicially permitted to raise a point of law, the once and for all rule *mero motu*, and did the rule apply to the appellant's case — whether at any given moment during the detention of the appellant's firearm there was only one cause of action — whether it is the nature of civil litigation that parties may expand the issues by way they conduct the proceedings, and the court may *mero motu* raise a question of law that emerges fully from the evidence and is necessary for the decision of the case — whether an appeal court can raise the issue of the once and for all rule, having regard to the fact it was not raised in the trial court – – whether the trial court could have disregarded the concept of *res judicata* if a previous competent court made a finding that the appellant was entitled to be in possession of a firearm.

13. **The Minister of Police v Mzikayise Ose**
1334/2024

Appealed from ECG

Date to be heard: 10 November 2026

Schippers JA, Kathree- Setiloane JA, Unterhalter JA, Masipa AJA, Jolwana AJA

Criminal Law and Procedure – Unlawful arrest and detention — Criminal Procedure Act 51 of 1977 — Stock Theft Act 57 of 1959 **—** whether the full court erred and misdirected itself in finding that the arrest of the respondent and his subsequent detention was unlawful — whether the full court erred and misdirected itself in finding that a jurisdictional fact is absent from the appellant’s defence under s 40(1)(*b*) of the Criminal Procedure Act 51 of 1977 (CPA) in that an offence in terms of s 2 of the Stock Theft Act 57 of 1959 does not constitute a schedule 1 offence as envisaged in Schedule 1 of the CPA — whether the full court erred and misdirected itself in finding that the provisions of s 40(1)(*e*) of the CPA only applies to property generally and excludes stock or produce as that is provided for in terms of s 40(1)(g) of the CPA — whether the respondent should have been issued with a written notice to appear in court — whether the full court erred by not interfering with the trial court's award of costs against the

appellant on a high court scale, despite the quantum being reduced by the court a quo to R160,000.00 which falls in within the jurisdiction of the magistrate's court.

14. **Cloete Pieter Conradie N O (in his representative capacity as trustee of the Conradie Trust, IT5128/2006), Andre Jakobus Conradie N O (in his representative capacity as trustee of the Conradie Trust, IT5128/2006), Irma Conradie N O (in his representative capacity as trustee of the Conradie Trust, IT5128/2006), Leon Oosthuisen Conradie N O (in his representative capacity as trustee of the Conradie Trust, IT5128/2006) and Elsabe Cathrine Orffer v Jarcon Investment (Pty) Limited (registration Number: 2013/106073/07) and Nedbank Limited**
176/2025

Appealed from WCC
Date to be heard: 11 November 2026
Nicholls JA, Matojane JA, Kgoele JA, Sher AJA, Dippenaar AJA

Trust law – statutory interpretation – powers of the Master – trustees – interpretation of s 7 and in particular s 7(2), of the Trust Property Control Act 57 of 1988 (the Act) – the effect of the Chief Master's Directive 2 of 2017, in particular para 3.8 thereof, on the interpretation and application of s 7 of the Act – whether the Master's decision to appoint an independent trustee in terms of s 7(2) affects the capacity of the board of trustees while the processes and procedures prescribed in the Directive are pending – whether the remaining trustees are incapacitated until such time as the Master has appointed a substitute independent trustee.

15. **Willem Tobias Haenekom N O, Lourens Hermanus Taljaard N O v Nuwekloof Private Game Reserve Farm Owners' Association**
354/2025

Appealed from WCC
Date to be heard: 11 November 2026
Hughes JA, Molefe JA, Windell JA, Sibiya AJA, Jolwana AJA

Administrative Law – Community Schemes – appeals – judicial review – contractual provisions – public policy – whether an appeal in terms of s 57 of the Community Schemes Ombud Service Act 9 of 2011 constitutes a judicial review or a civil appeal – whether a

contractual provision (clause 5.13) permitting spoliation without the sanction of a court is contrary to public policy and is therefore invalid and unenforceable.

16. **The South African Custodial Services (Louis Trchardt) (Pty) Ltd v The Commissioner for The South Africa Revenue Service**
345/2025

Appealed from WCC

Cross-appeal

The Commissioner for The South Africa Revenue Service v The South African Custodial Services (Louis Trchardt) (Pty) Ltd
315/2025
Appealed from GP
Date to be heard: 12 November 2026
Mocumie JA, Goosen JA, Kgoele JA, Kathree-Setiloane JA, Windell JA

Tax Law – s 99(2)(c) of the Tax Administration Act 28 of 2011 – anti-prescription agreement – interpretation and enforceability of an anti-prescription agreement concluded between SARS and a taxpayer – whether the full court erred in finding that the order of Cloete J dated 17 October 2017 constituted a 'Final Decision' as contemplated in the anti-prescription agreement – whether SARS is bound by the anti-prescription agreement to assess the taxpayer for the 2013 to 2016 years of assessment on the same basis as the 2005 to 2012 years of assessment – whether the anti-prescription agreement impermissibly curtailed SARS's statutory powers and is void and unenforceable – cross-appeal – whether the Full Court, having upheld the appeal, erred in failing to grant the substantive declaratory relief sought in the notice of motion – whether the full court erred in dismissing the second application concerning the existence of a further anti-prescription agreement extending prescription by 17 October 2020 – costs.

17. **Bright Ideas Projects 860 CC, Johannes Christiaan Reitz v Matsapa Trading 647 CC, Cheslyn Michael Edward Mostert, Petri van der Colff**
476/2025

Appealed from NCK
Date to be heard: 12 November 2026

Makgoka JA, Unterhalter JA, Valley JA, Steyn AJA,Mooki AJA

Law of Civil Procedure – mandament van spolie – whether the mandament finds application on the facts – whether Bright Ideas Projects 860 CC and/or Johannes Christiaan Reitz were in peaceful and undisturbed possession of (i) the Puma fuel filling station business and (ii) the OK Grocer business – whether Bright Ideas Projects 860 CC and/or Johannes Christiaan Reitz were unlawfully deprived of such possession by Matsapa Trading 647 CC, Cheslyn Michael Edward Mostert and/or Petri van der Colff – whether this Court should grant the relief sought – whether restoration of the businesses is possible and whether the appeal is moot.

18. **Ezemvelo KZN Wildlife v Nombela Investments CC**
    251/2025

    Appealed from KZP
    Date to be heard: 13 November 2026
    Nicholls JA, Baartman JA, Norman JA, Masipa AJA, Jolwana AJA

    Contract Law – tender – bid – s 217 of the Constitution – Legality Review – Self-Review - whether the appellant has demonstrated prospects of success and special circumstances for leave to appeal – whether the review application was brought within a reasonable time – whether this Court should nonetheless entertain the review, despite the delay – whether the application was predicated on hearsay and evidence presented in reply – whether the lack of signature in the site register for the compulsory site meeting constitutes a ground of review.

19. **J Company v The Commissioner for The South African Revenue Service**
    1542/2024

    Appealed from WCC
    Date to be heard: 13 November 2026
    Matojane JA, Molefe JA, Unterhalter JA, Sibiya AJA, Mooki AJA

    Law of Taxation – Tax Administration Act 28 of 2011 – Superior Courts Act 10 of 2013 – appeal and cross-appeal – s 46(1) requests for information – whether SARS was entitled to an order directing the appellant to provide certain documents in unredacted form in terms of a notice in terms of s 46 of the Tax Administration Act – whether the appellant is entitled to anonymisation in terms of s 32 of the Superior Courts Act.

20. **Christiaan Johannes Orffer N O and Elmien Orffer N O v Die Orffer Landgoed (Pty) Ltd and Registrar of Deeds, Cape Town**
501/2025

Appealed from WCC
Date to be heard: 16 November 2026
Makgoka JA, Kgoele JA, Windell JA, Jolwana AJA, Dippenaar AJA
Property Law – Trust Property Control Act 57 of 1988 (TPA) – Interpretation – Superior Courts Act 17(6)(*a*)(i) – Special Power of Attorney (SPA) – whether the appellants have locus standi to prosecute the appeal given their own contention that they lacked the authority to act jointly as trustees when the Special Power of Attorney was executed – whether Mr Stofberg's resignation as trustee was effective prior to the execution of the SPA either in terms of the Trust Deed or the TPA.

21. **Austell Laboratories (Pty) Ltd v Nativa (Pty) Ltd**
665/2025

Appealed from GJ
Date to be heard: 16 November 2026
Mbatha JA, Hughes JA, Coppin JA, Sher AJA, Mooki AJA

Law of Civil Procedure – Rule 28(4) of the Uniform Rules of Court – amendment to pleadings – Rule 33(4) – separating issues of *res judicata* and *lis pendens* – whether or not the appellant ought to have been granted leave to amend its plea to the particulars of claim – whether the respondent was entitled to rely on a claim for *res judicata* without having pleaded same – whether a separation of issues could have been granted separating issues of *res judicata* and *lis pendens* in terms of uniform rule 33(4), notwithstanding that such issues are not expressly pleaded anywhere in the pleadings – whether the court a quo should have granted an order of *res judicata* on terms set out in the order, including having regard to the scope of the order and whether the order granted was in terms substantially broader than that asked for by the respondent in its application for separation – whether the final interdict granted by the court a quo under case no. 64188/2019 (the second application) prohibits the flighting of the first and second infringing advertisements which form the subject matter of the main action – if this Court finds that the said final interdict prohibits the flighting of the initial and second infringing

advertisements as they are colourable imitations of the third advertisement which formed the subject-matter of the second application, whether the issue of the infringing advertisements are *res iudicata* and the only remaining is the determination of damages which are payable to the respondent.

22. **Frans Kubjana v Mashebane Daniel Malesa N O, Joseph Kamela Modiba N O, Mothoka Terrence Mosibihla N O, Thetele Joseph Malatji N O, Mankuroane Samuel Modiba N O, Motlatso Ivy Magoele N O, Maatishi Simon Makgoba N O, Mogowe Windsor Madia N O, Mokgadi Onica Makgobola N O, Mmamokgotla Monica Matlebjane N O, Refilwe Irene Letsoalo N O, Motlokwa Suzan Mojapelo N O, Matome David Modiba N O, Mohale Elias Nyakala N O, Matlou Jaqueline Mokgoba N O (in their capacities as duly authorised trustees of the Mamphoku Makgoba Community Trust), Makgoba Asset Management Company (Pty) Ltd**
159/2025

Appealed from LP
Date to be heard: 16 November 2026
Molefe JA, Kathree-Setiloane JA, Vally JA, Steyn AJA, Govindjee AJA

Law of Civil Procedure - Contempt of Court **–** whether the appellant breached a court order – whether personal service is an absolute requirement to be held in contempt of a court order – whether it was proven that the appellant breached a court order granted by Deane AJ during the period of suspension, thus triggering the implementation of the suspended sentence imposed by Tshidada J.

23. **Toyota Randburg (a division of the Motus Group Limited) v Papani Cassius Ndlovu and The National Consumer Tribunal**
380/2025

Appealed from GP
Date to be heard: 17 November 2026
Mocumie JA, Kathree-Setiloane JA, Unterhalter JA, Masipa AJA, Govindjee AJA

Consumer Law – defective goods – evidence – quantum – remittal – whether the first respondent proved that the vehicle was defective – whether reliance on the Consumer

Protection Act 68 of 2008 required proof of the actual defect, and not only the symptoms experienced – whether the court of first instance was correct in dismissing the appeal after finding that the first respondent failed to prove the amount of its claim, particularly in light of the judicial sale of the vehicle – whether the court of first instance had the power to remit the matter to the second respondent.

24. **City of Tshwane Metropolitan Municipality v Tshiamo Tshepiso Moatshi**
226/2025

Appealed from GP
Date to be heard: 17 November 2026
Schippers JA, Matojane JA, Baartman JA, Sher AJA, Mooki AJA

Administrative Law – Local Government: Municipal Systems Act 32 of 2000 **–** whether on a proper interpretation, s 118(1)*(b)* of the Act makes provision for interest charges to be added to the amount reflected in the certificate contemplated in terms of s 118(1) of the Act – whether the court a quo erred regarding who bears liability for the amounts due for purposes of issuing the certificate and the public/financial implications for municipalities' collection of arrears.

25. **Compregen (Pty) Ltd v Lezmin 2021 (Pty) Ltd, George Local Municipality, The Minister of Minerals and Resources, The Minister of Forestry, Fisheries and Environment, The Minister of Water and Sanitation, The Minister of Local Government, Environmental Affairs and Development Planning, The MEC, Department of Local Government, Environment Affairs and Development Planning, Western Cape**
465/2025

Appealed from Eastern Circuit Local Division, Thembalethu George
Date to be heard: 17 November 2026
Goosen JA, Molefe JA, Windell JA, Sibiya AJA, Govindjee AJA

Constitutional Law – whether the right to the environment guaranteed in s 24 of the Constitution is prima facie endangered by the mining activities.
Environmental Law – mining – National Water Act 36 of 1998 – National Environment Management Act 107 of 1998 – Western Cape Land Use Planning Act No 3 of 2014 – The Mineral and Petroleum Resources Development Act, 28 of 2002 – whether the appellant had

the requisite locus standi to launch an application to declare the first respondent's mining activities unlawful and prohibit the first respondent from conducting its mining activities on the appellant's properties until the properties are specifically zoned for mining and until the first respondent has obtained the necessary water use authorization – whether the appellant had made out a cause of action for the relief sought – whether the appellant's cause of action on land use relied on hearsay evidence – whether the appellant raised a new issue in its replying affidavit.

26. **Andrew Makgoana Kotlolo v Matshwene Maria Magdaline Seboni N O and Lethabo Edmund Seboni**
471/2025

Appealed from GP
Date to be heard: 18 November 2026
Mocumie JA, Schippers JA, Molefe JA, Mabesele AJA, Mooki AJA

Law of Property – whether the transfer of immovable property was obtained through fraud in a reverse mortgage scheme – whether the underlying agreements and transfer were void ab initio due to the lack of intention to transfer ownership – whether the appellant is protected by the exception to the *rei vindicatio* – whether the respondents were correct in seeking vindicatory relief instead of restitution – whether the respondents have proven the essential elements of fraud.

27. **Gruma, S.A.B. DE C.V. v Grupo Bimbo S.A.B. DE C.V. and The Companies and Intellectual Property Commission**
543/2025

Appealed from GP
Date to be heard: 18 November 2026
Nicholls JA, Coppin JA, Baartman JA, Sher AJA, Dippenaar AJA

Law of Intellectual Property – Trade Marks Act 194 of 1993 – s 10(1), 10(2)(a) read with s 9 and 10(4) of the Trade Marks Act – whether the appellant is an 'interested person' as contemplated under the provisions of s 21 of the Trade Marks Act – whether the appellant has the requisite legal standing to oppose the registration of the first respondent's shape mark – whether the respondent's shape mark constitute a trade mark and capable of distinguishing –

whether the first respondent has a bona fide intention to use the shape mark in relation to the goods in question.

28. **Ebenhaeser Communal Property Association v Helvin Lloyd Christian Manuel, Minister of Rural Development and Land Reform and Commission on Restitution of Land Rights 470/2025**

Appealed from WCC
Date to be heard: 18 November 2026
Matojane JA, Vally JA, Windell JA, Masipa AJA, Jolwana AJA

Law of Property – Restitution of Land Rights Act 22 of 1994 – Communal Property Associations Act 28 of 1996 – whether the high court was correct in confirming that it had jurisdiction to hear the application – whether the first respondent was entitled to an order declaring him to be a member of the Communal Property Association (CPA) on the grounds that the CPA's constitution unlawfully barred him from membership – whether the restrictive membership clause prevents the first respondent from realising his share in the property rights.

29. **Working on Fire (Pty) Ltd v The Minister of the Department of Forestry, Fisheries and the Environment; The Director-General: The Department of Forestry, Fisheries and the Environment**

687/2023

Appealed from GP
Date to be heard: 19 November 2026
Molemela P, Kgoele JA, Unterhalter JA, Steyn AJA, Mabesele AJA

Tax Law – Interpretation of the Value Added Tax Act 89 of 1991 – s 10 of the VAT Act – whether a party who has not levied VAT for services rendered may upon realising the mistake revise an invoice and include VAT – whether a budget may be exceeded where parties have agreed that a budget should not exceed a stipulated amount – whether the amount due is to be ascertained from the terms of the agreement or the VAT Act – whether the respondent is estopped from raising the budgeted amount as a defence.

30. **The Municipal Workers Retirement Fund v Blue Crane Route Municipality and The Sheriff of the High Court**
619/2025

Appealed from MK
Date to be heard: 19 November 2026
Mbatha JA, Matojane JA, Vally JA, Jolwana AJA, Sher AJA

Constitutional law – interpretation – Pension Funds Act 24 of 1956 – whether, as a matter of statutory interpretation, the *in duplum* rule applies to arrear interest in respect of contributions under the PFA – whether the court a quo was *functus officio* to decide the *in duplum* issue as the Municipality did not raise the *in duplum* rule as a defence in the proceedings resulting in the order.

31. **CCI South Africa (Pty)Ltd v Nishant Gayaparsad, IL Topping SC and Nutun Ex (Pty) Ltd**
581/2025

Appealed from KZD
Date to be heard: 19 November 2026
Hughes JA, Goosen JA, Kathree-Setiloane JA, Baartman JA, Norman JA

Commercial Law – Arbitration Act 42 of 1965 – whether the arbitrator was entitled to determine his own jurisdiction where the continued existence of the arbitration clause was disputed – whether the court a quo exceeded the limited powers of review conferred by s 33 of the Arbitration Act 42 of 1965 in setting aside the arbitration award – whether the court a quo erred in holding that the mutual separation agreement (MSA) terminated the arbitration and restraint clauses contained in the respondent's employment contract.

32. **Jacob Petrus Jacobus Naude v Commissioner for the South African Revenue Service and South African Revenue Service**
518/2025

Appealed from GP
Date to be heard: 20 November 2026
Mocumie JA, Makgoka JA, Schippers JA, Steyn AJA, Mooki AJA

Tax Law – Customs and Excise Act 91 of 1964 – whether the respondent's (SARS') was correct in disallowing a previous diesel rebates paid out to the appellant – whether SARS was correct in concluding, after an audit, that the Appellant is not a *'user'* as defined in s 75(1A) of the Customs and Excise Act – whether the appellant was entitled to the diesel refunds claimed by him for the period December 2013 and June 2016 – whether, the appellant as the User (i) purchased the diesel; (ii) used the diesel for qualifying own primary production activities – whether the appellant kept proper records to prove that the diesel was used for such activities.

33. **Mashamba Tendani N O v Masisi Fuels (Pty) Ltd and The Controller of Petroleum Products**
662/2025

Appealed from LP
Date to be heard: 20 November 2026
Mbatha JA, Kgoele JA, Unterhalter JA, Dippenaar AJA, Govindjee AJA

Contract Law – interpretation – Petroleum Products Act 1977 (the PPA) – whether the lease agreement relied on by the First Respondent for its claim of right of occupation and possession was, *ab initio* invalid for being either prohibited by or in violation of the Petroleum Products Act 1977 (the PPA) – whether it became invalid after the death of the licence holding lessor – whether the Appellant has locus standi to seek the relief she claims – whether a business was leased and not immoveable property.

34. **Absa Bank Ltd v Bradley Jones**
500/2025

Appealed from WCC
Date to be heard: 23 November 2026
Schippers JA, Kgoele JA, Kathree-Setiloane JA, Steyn AJA, Jolwana AJA

Contract law – Sale and purchase agreement **–** whether consequential damages may be claimed by the Aedilitian remedies – whether there was an express or tacit consensual warranty that the loader would be in good order and condition, thus founding the *actio empty* – whether in a multiparty settlement a contracting party not involved in a *lis* between others bears an onus as to the others' authority and any agreement to waive rights must specifically be between the

contracting parties to the main action – whether the settlement was unenforceable for reasons of public policy because of the disproportionality between a quotation for R242 664, 96 to repair the loader and the eventual settlement figure of R25 000 – whether the respondent's right to cancel an instalment sale agreement (the sale agreement) concluded with the appellant (ABSA) in respect of the sale and purchase of a second-hand front end loader (the loader) on the basis that the loader sold and delivered to him was not fit for purpose and suffered material latent defects – whether he is entitled to claim restitution and consequential damages based on a breach of an express, alternatively, tacit warranty as to the quality of the loader (under the *actio empti*), or is restricted to claim restitution (under the *actio redhibitoria*).

35. **Andrew Phillipides v Annie Jeanetta De Jongh, Hendrick Lourens De Jongh and Herman Kriel N N O (Trustees of the De Jongh Family Trust), Leigh Dorothy Harper and Leigh Harper Incorporated**
798/2025

Appealed from GP
Date to be heard: 23 November 2026
Matojane JA, Norman JA, Windell JA, Mabesele AJA, Dippenaar AJA

Property Law – Contract Law – Interpretation – whether the conveyancing attorney acted as agent of the seller or agent of the purchaser in receiving payment of the balance of the purchase price – whether on a proper interpretation of clauses 3, 9 and 14 of the agreement payment of the cash balance to the conveyancing attorney constituted performance that discharged the purchaser's obligation – whether the full court correctly applied the *Endumeni* principles of contractual interpretation.

36. **The Commissioner for the South African Revenue Service v ASPASA NPC, AfriSam South Africa (Pty) Ltd, Lafarge (Pty) Ltd and Afrimat subsidiaries listed in schedule 1 to the Notice of Motion**
755/2025

Appealed from GP
Date to be heard: 24 November 2026
Makgoka JA, Hughes JA, Kgoele JA, Windell JA, Mooki AJA

Tax Law – interpretation – Mineral and Petroleum Resources Act 28 of 2008 Royalty Act (Royalty Act) – whether "bulk" is correctly interpreted as used in Schedule 2 to specify the conditions in which aggregates must be transferred – whether "bulk" means the conditions in which blasted rocks is extracted from the ground before crushing as contended by the respondents or whether it means the condition in which the rocks exist after crushing – whether aggregates are specified by beneficiation or whether they form naturally in the earth's crust according to the Royalty Act.

37. **Municipal Manager: Mafube Local Municipality, Chief Financial Officer: Mafube Municipality, Executive Mayor: Mafube Local Municipality, Thomas Lindelo Mkaza v Municipal Workers' Retirement Fund and Mafube Local Municipality**
712/2025

Appealed from FS
Date to be heard: 24 November 2026
Nicholls JA, Mbatha JA, Unterhalter JA, Steyn AJA, Jolwana AJA

Municipal Law – Pension Funds Act 24 of 1958 (PFA) – interpretation – whether s 13A(8)(c) imposes a personal liability for the arrear contributions on each of the appellants – if so, whether the extent of each appellant's liablity is limited by (a) their respective tenure periods and durations and/or (b) their alleged degree of fault – whether it is fair to rely on a s 13A(9) letter to the Municipality that was long sent before the employment of the appellants and before the debts arose – whether the court a quo erred in making a finding that the date of appointment of the Municipal Officials is irrelevant to liability.

38. **Gail Francis Buechel v South African Securitisation Programme (RF) Ltd, Sasfin Bank Ltd and Sunlyn (Pty) Ltd)**
620/2025

Appealed from WCC
Date to be heard: 24 November 2026
Goosen JA, Coppin JA, Norman JA, Dippenaar AJA, Sibiya AJA

Law of Civil Procedure – Common Law – Default Judgment – Rescission of Judgment – Conventional Penalties Act 15 of 1962 (Penalties Act) – fraud/misrepresentation – standard for

rescission – whether the appellant established a bona fide defence on the merits sufficient to warrant a rescission of a default judgment under the common law – whether a bona fide defence premised on fraud/misrepresentation has been established – whether the appellant has established a bona fide defence premised on the Penalties Act.

39. **Mary-Anne McChesney N O v Old Mutual Wealth Trust Company Proprietary Limited N O (in its capacity as executor of the Estate Late Nikolas Pappadopolous), Mandy Hamilton Dix-Peek N O (in her capacity as nominee executrix in the estate of the late Nikolas Pappadopolous), Matthew Lamont Walton N O, Mandy Hamilton Dix-Peek N O (in their capacity as trustees for the time being of the Katina Swanepoel Inheritance Trust), Etienne Rhoderic Swanepoel N O (in his capacity as the joint-*curator bonis* and the *curator ad personam* to Katina Swanepoel, Guy Lloyd-Roberts N O (in their capacity as the *curator bonis* to Katina Swanepoel), Master of the High Court.**
805/2025

Appealed from WCC
Date to be heard: 25 November 2026
Mocumie JA, Nicholls JA, Matojane JA, Sher AJA, Masipa AJA

Law of Civil Procedure - Interpretation of a Will – Mortis Causa Trust – whether Clause 9 of the Will evinced any intention on the part of the testator to confer authority upon the executors to create a testamentary trust – the rights of an injured woman represented by her court appointed *curator ad litem* – whether the trust formed by the executors curtailed the patient's right to freedom of testation.

40. **Ramathan Naidoo v Land Claims Commissioner: KwaZulu-Natal, The Minister of Rural Development and Land Reform, (previously known as the Minister of Land Affairs and Nathan Naidoo N O (in his capacity as the co-executor of the estate of the late Pathmanathan Runganathan Naidoo)**
1516/2024

Appealed from LCC
Date to be heard: 25 November 2026
Makgoka JA, Kathree-Setiloane JA, Steyn AJA, Mabesele AJA, Masipa AJA

Administrative Law – Law of Civil Procedure – Administrative Justice Act 3 of 2000 (PAJA) – Restitution of Rights Act 22 of 1994 – administrative action – review – whether the appellant had requisite locus standi to instate review proceedings – whether the delay in bringing the review was unreasonable, and if so, whether condonation ought to be granted – whether the court a quo was correct in finding that the requirements of s 7 of PAJA had not been complied with by the appellant – whether the non-joinder of the appellant's mother was fatal to the review application – whether the appeal amounts to an abuse of process – whether the alleged settlement and transfer of land constitute procedurally.

41. **The Banking Association of South Africa and Others v Chantelle Scott and Others**
1357/2025

Appealed from GP
Date to be heard: 26 November 2026
Molemela P, Makgoka JA, Schippers JA, Norman JA, Sher AJA

National Credit Act 34 of 2005 (the NCA) – whether the Full Court correctly interpreted section 103(5) of the NCA – whether the interpretation of 'in default under the credit agreement' means that the consumer remains in default under the original credit agreement.

42. **The Commissioner for the South African Revenue Service v FTTX and Energy Warehouse (Pty) Ltd**
705/2025

Appealed from GP
Date to be heard: 26 November 2026
Mocumie JA, Nicholls JA, Goosen JA, Coppin JA, Govindjee AJA

Tax Law – Customs and Excise Act 91 of 1964 (the Act), Part 1 of Schedule 1 and General Rules of Interpretation (GRI) – whether the FOCS in Part 1 of Schedule 1 of the Act has the correct tariff classification – whether the FOC should be classified as undefined article of plastic in terms of tariff heading 392690.90 – whether FOCS should be classified as a connector for optical fibres, fibre bundle or cable as contemplated in tariff heading 8538.90, being the tariff heading that the court a quo found to be the applicable tariff heading.

43. **Florence M Seloana v The Government Pensions Administration Agency, Government Employees Pension Fund, Minister of Justice and Correctional Services**
672/2025

Appealed from LP

Date to be heard: 26 November 2026

Hughes JA, Baartman JA, Vally JA, Mabesele AJA, Masipa AJA

Constitutional law – Government Employees Pension Fund – whether Rule 14.6 the Rules of the Government Employees Pension Fund unfairly discriminate against women in polygamous marriages – whether it is constitutional for withholding a portion of the spousal benefit or pension from the only surviving spouse of the deceased pensioner occasioned by the failure of the impugned Rule of the Government Employees Pension Fund Law to provide for the recalculation of spousal pension paid to the surviving spouse who was in a polygamous marriage after the death of the first dying widow – whether the impugned rule unfairly discriminates against women in polygamous marriages – whether discrimination based on gender, which is one of the grounds listed in s 9(3) of the Constitution, can be regarded as fair in the circumstances where the respondents did not show any legitimate government purpose for the discrimination and the impugned Rule which gives rise to the discrimination because of its inadequacy – whether the court a quo erred in not granting the relief sought by the appellant.

44. **Daniel Jacobs v King Price Insurance Company Limited**
1563/2024

Appealed from GP

Date to be heard: 27 November 2026

Mocumie JA, Matojane JA, Kgoele JA, Jolwana AJA, Dippenaar AJA

Law of Contract Law – Insurance Law – whether special leave to appeal should be granted – whether the appellant was required to adduce evidence regarding the retail value of the vehicle to avoid absolution from instance – whether the appellant's expert witness of the opinion expressed by the respondent's expert witness concerning the retail value of the vehicle constituted evidence before court – whether the court a quo considered the correct onus of

proof that the appellant had to meet in an application for absolution from the instance – whether absolution ought to have been granted, having regard to the evidence adduced, fairness, equity and possibility that the applicant's case may be strengthened by evidence emerging during the respondent's case.

45. **Lasertek Payment Solutions (Pty) Limited v Electronic Connect (Pty) Limited**
366/2025

Appealed from GJ
Date to be heard: 27 November 2026
Hughes JA, Windell JA, Vally JA, Mabesele AJA, Sher AJA

Law of Contract – National Credit Act 34 of 2005 – loan agreement – whether the appellant was required to be registered as a credit provider under the National Credit Act in respect of the loan advanced – whether there was a novation and/or variation of the loan agreement – whether interest should be limited by application of the in duplum rule.

46. **The Motor Vessel "Falcon Confidence" and Falcon Confidence Shipping Limited v Nadella Corporation**
224/2025

Appealed from WCC
Date to be heard: 30 November 2026
Molemela P, Mbatha JA, Goosen JA, Norman JA, Govindjee JA

Constitutional law – whether the case implicates s 34 of the Constitution (fair public hearing) – specifically through the reversal of the onus, the preference for hearsay over direct evidence, and the unproven suggestion of fraud or forgery. Maritime law – Admiralty Jurisdiction Regulation Act 105 of 1983 (AJRA) – whether the second respondent (the Mv Falcon Confidence) is an associated ship of the Mv Falcon Carrier as contemplated in s 3(7)(a)(iii) of the AJRA.

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