

**IN THE SUPREME COURT OF APPEAL OF
SOUTH AFRICA**

**IN DIE HOOGSTE HOF VAN APPÈL VAN
SUID-AFRIKA**



**Revised COURT ROLL
NOVEMBER 2020
(1 October 2020)**

The number of the Judge to whom in each case the judgment
has been allocated is designated by dark shading

JUDGES - NOVEMBER 2020

- 1 Maya P
- 2 Petse DP
- 3 Navsa JA
- 4 Ponnann JA
- 5 Cachalia JA
- 6 Wallis JA
- 7 Saldulker JA
- 8 Mbha JA
- 9 Zondi JA
- 10 Dambuza JA
- 11 Van der Merwe JA
- 12 Mocumie JA
- 13 Molemela JA
- 14 Makgoka JA
- 15 Schippers JA
- 16 Plasket JA
- 17 Dlodlo JA
- 18 Nicholls JA
- 19 Ledwaba AJA
- 20 Matojane AJA
- 21 Eksteen AJA
- 22 Weiner AJA
- 23 Goosen AJA
- 24 Sutherland AJA
- 25 Mabindla-Boqwana AJA
- 26 Poyo-Dlwati AJA
- 27 Unterhalter AJA

Monday: 2 November 2020

COURT A

1. Masibuyisane Services (Pty) Ltd v Eqstra Corporation (Pty) Ltd

1245/2019 (GP)

1 17 18 20 24

Maya P
Dlodlo JA
Nicholls JA
Matojane AJA
Sutherland AJA

COURT B

2. Dwayne Esau, Neo Mkwane, Thami Jackson, Lindo Khuzwayo, Mikhail Manuel, Riaan Salie, Scott Roberts and Mpiyakhe Dlamini v Minister of Co-Operative Governance and Traditional Affairs, The President of the Republic of South Africa, The Minister of Trade, Industry and Competition, The President of the Republic of South Africa in his capacity as the Co-Chairperson of The National Coronavirus NCCC, The Minister of Co-Operative Governance and Traditional Affairs in her capacity as The Co-Chairperson of The National Coronavirus NCCC

611/2020 (WCC)

2 9 11 16 25

Petse DP
Zondi JA
Van der Merwe JA
Plasket JA
Mabindla-Boqwana AJA

COURT C

3. Economic Freedom Fighters, Mbuyiseni Quintin Ndlozi, Julius Sello Malema v

Trevor Andrew Manuel

711/2019 (GJ)

3 6 7 13 26

Navsa JA
Wallis JA
Saldulker JA
Molemela JA
Poyo-Dlwati AJA

COURT D

4. Johannesburg Society of Advocates and The General Council of the Bar of South Africa v Seth Azwihangwisi Nthai, Pretoria Society of Advocates, Polokwane Society of Advocates and The South African Legal Practice Council

879/2019 and 880/2019 (LP)

4 5 10 12 21

Ponnan JA
Cachalia JA
Dambuza JA
Mocumie JA
Eksteen AJA

Tuesday: 3 November 2020

COURT A

5. Global Environmental Trust, Mfolozi Community Environmental Justice Organisation and Sabelo Dumisani Dladla v Tendele Coal Mining (Pty) Ltd, Minister of Mineral and Energy, MEC: Department of Economic Development, Tourism and Environmental Affairs, Minister of Environmental Affairs. Mtubatuba Municipality, Hlabisa Municipality, Ingonyama Trust, Ezemvelo KZN Wildlife, Amafa aKwaZulu-Natal Heritage Council

Centre for Environmental Rights – Amicus Curiae

1105/2019 (KZP)

4 15 16 18 19

Ponnan JA
Schippers JA
Plasket JA
Nicholls JA
Ledwaba AJA

COURT B

6. Sekepe Investments (Pty) Ltd, The Alchamy (Pty) Ltd & Marobalo Investments (Pty) Ltd v Government Employees Pension Fund & Magae Makhaya Housing (RF) (Pty) Ltd

110/2019 (GP)

5 12 14 26 27

Cachalia JA
Mocumie JA
Makgoka JA
Poyo-Dlwati AJA
Unterhalter AJA

Wednesday: 4 November 2020

COURT A

7. Lambertus von Wielligh Bester NO, Rynette Pieters NO and Barend Petersen NO (In their capacities as joint trustees of the RVAF Trust – IT 932/2004) v Anton Gouws, Schalk W J Steenkamp, Johan Joubert, Swartland Makelaars CC, Mark Eiserman, Mark

Alexander Investments CC, Jannie Augustyn, Andrea Fredericka Moolman, Vaidro 172 CC, Hendrik Janse van Vuuren, Hendrik van Vuuren Makelaars CC
851/2019 (WCC)

4 6 9 17 22

Ponnan JA
Wallis JA
Zondi JA
Dlodlo JA
Weiner AJA

COURT B

8. Bokoni Platinum Mines (Pty) Ltd v Abram Moropane
1035/2019 (LP)

7 13 18 24 27

Saldulker JA
Molemela JA
Nicholls JA
Sutherland AJA
Unterhalter AJA

COURT C

9. Jose Aquino Monteiro and Autoglen Motors (Pty) Ltd v Kenneth Leonardo Diedrick
1199/2019 (GJ)

10 15 16 23 25

Dambuza JA
Schippers JA
Plasket JA
Goosen AJA
Mabindla-Boqwana AJA

COURT D

10. Bailey Casper Hendrik and Augustyn Sarel Louis v Bailey Hazel Johanna Cicelia
1324/2019 (GP)

11 12 14 19 21

Van der Merwe JA
Mocumie JA
Makgoka JA
Ledwaba AJA
Eksteen AJA

Thursday: 5 November 2020

COURT A

11. Anesh Rugnanan v The State
259/2018 (KZP)

2 8 17 20 23

Petse DP
Mbha JA

Dlodlo JA
Matojane AJA
Goosen AJA

Friday: 6 November 2020

COURT A

**12. Joao Rodrigues v National Director of Public Prosecutions of South Africa, Minister of Justice and Correctional Services, Minister of Police and Imitiaz Ahmed Cajee
1186/2019 (GJ)**

1 5 17 19 26

Maya P
Cachalia JA
Dlodlo JA
Ledwaba AJA
Poyo-Dlwati AJA

COURT B

**13. Haitas Konstantinos v Gabriel Francois van Lingen Froneman, Maria Elpis Haitas, FWC Estate & Related Services (Pty) Ltd NO represented by Gabriel Francois van Lingen Froneman , Brand Kitchen Hospitality (Pty) Ltd, Mezepoli Holdings (Pty) Ltd, Mezepoli Camps Bay (Pty) Ltd, Mezepoli Melrose Arch (Pty) Ltd, Mezepoli Nicolway (Pty) Ltd, Plaka Holdings (Pty) Ltd, Plaka Menlyn (Pty) Ltd, Plaka Northcliff Restaurant (Pty) Ltd, Merchant Property Investments (Pty) Ltd, The Companies and Intellectual Property Commission and Master of the High Court of South Africa, Gauteng Division, Pretoria
1158/2019 (GJ)**

2 9 11 18 27

Petse DP
Zondi JA
Van der Merwe JA
Nicholls JA
Unterhalter AJA

COURT C

**14. Helen Suzman Foundation and Robert McBride v The Independent Police Investigative Directorate and Minister of Police and Portfolio Committee on Police: National Assembly
1065/2019 (GP)**

3 10 15 16 23

Navsa JA
Dambuza JA
Schippers JA
Plasket JA
Goosen AJA

COURT D

**15. City Power (SOC) Limited v Commissioner for the South African Revenue Service
1147/2019 (Tax Court)**

4 7 14 20 24

Ponnan JA
Saldulker JA
Makgoka JA
Matojane AJA
Sutherland AJA

COURT E

**16. Kurt Robert Knoop NO and Johan Louis Klopper NO v Chetali Gupta
115/2020 and 116/2020 (GP)**

6 8 12 21 25

Wallis JA
Mbha JA
Mocumie JA
Eksteen AJA
Mabindla-Boqwana AJA

Monday: 9 November 2020

COURT A

**17. Cooperative Muratori & Cementisti CMC Di Ravenna Società Cooperativa a
Responsabilita Limitata, Liebenberg Dawid Ryk van der Merwe NO and Christopher
Raymond Rey NO v Companies and Intellectual Property Commission, Esor
Construction (Pty) Ltd, Absa Bank Limited and Stefcor (Pty) Limited
1325/2019 (GP)**

4 6 13 21 25

Ponnan JA
Wallis JA
Molemela JA
Eksteen AJA
Mabindla-Boqwana AJA

COURT B

**18. FirstRand Bank Limited v The Spar Group Limited
1334/2019 (GP)**

5 10 14 24 27

Cachalia JA
Dambuza JA
Makgoka JA
Sutherland AJA
Unterhalter AJA

COURT C

**19. MTN Service Provider (Pty) Ltd v Belet Industries CC t/a Belet Cellular
1077/2019 (GJ)**

9 15 18 22 23

Zondi JA
Schippers JA
Nicholls JA
Weiner AJA
Goosen AJA

COURT D

**20. Municipality of Mhlontlo v TDH Tsolo Junction (Pty) Ltd
1086/2019 (ECM)**

11 12 16 19 20

Van der Merwe JA
Mocumie JA
Plasket JA
Ledwaba AJA
Matojane AJA

Tuesday: 10 November 2020

COURT A

**21. Nosipho Portia Ndabeni v The Municipal Manager (Owen Ngubende Hlazo) – O R
Tambo District Municipality and O R Tambo District Municipality
1066/2019 (ECM)**

2 9 10 21 26

Petse DP
Zondi JA
Dambuza JA
Eksteen AJA
Poyo-Dlwati AJA

COURT B

**22. Consol Glass (Pty) Ltd v The Commissioner for the South African Revenue Service
1010/2019 (Tax Court)**

3 6 14 24 27

Navsa JA
Wallis JA
Makgoka JA
Sutherland AJA
Unterhalter AJA

COURT C

23. Director of Public Prosecutions, Gauteng Division, Pretoria v Rethabile Amogelang Poee

348/2019 (GP)

7 8 17 19 25

Saldulker JA
Mbha JA
Dlodlo JA
Ledwaba AJA
Mabindla-Boqwana AJA

Wednesday: 11 November 2020

COURT A

24. The National Minister of Transport v Brackenfell Trailer Hire (Pty) Ltd, Pascal Constance Sprague and Gerhardus Adriaan Odendaal

707/2019 (WCC)

2 10 11 22 23

Petse DP
Dambuza JA
Van der Merwe JA
Weiner AJA
Goosen AJA

COURT B

25. Charl Daniel Wilke NO, Theresa Wilke NO and T.Roos Independent Trustee (Pty) Ltd v Griekwaland Wes Korporatief Ltd

1327/2019 (FB)

3 12 15 17 19

Navsa JA
Mocumie JA
Schippers JA
Dlodlo JA
Ledwaba AJA

COURT C

26. The Minister: Department of Home Affairs, Director General: Department of Home Affairs and District Manager of Operations – Johannesburg Department of Home Affairs v Jose Emmanuel Joseph and Jonathan Diabaka ‘Junior

169/2020 (GP)

4 5 18 20 26

Ponnan JA
Cachalia JA
Nicholls JA
Matojane AJA

Thursday: 12 November 2020

COURT A

27. The Premier: Mpumalanga Province, MEC for Co-operative Governance and Traditional Affairs, The Chairperson: Commission on Traditional Leadership Disputes and Claims: Mpumalanga Province, Themba Michael Yende and AmaYende AsoGenyaneni Traditional Council v Felani Yende and AmaYende AsoGenyaneni Royal Family

1128/2019 (GP)

2 8 9 12 13

Petse DP
Mbha JA
Zondi JA
Mocumie JA
Molemela JA

COURT B

28. The Health Professions Council of South Africa, T Mafafo NO and S Ramasala NO v Dr David Stephen Grieve

1356/2019 (GP)

10 16 18 22 24

Dambuza JA
Plasket JA
Nicholls JA
Weiner AJA
Sutherland AJA

Friday: 13 November 2020

COURT A

29. The South African Legal Practice Council v Reeva-Joy Alves, Mitchell de Beer, Étienne Mentoor, Jandré Robbertze, Zelek Sing, Stacey Sundelson, Michael Muller van Staden, David Whitcomb and Adri Thiar

1255/2019 (WCC)

1 7 16 21 27

Maya P
Saldulker JA
Plasket JA
Eksteen AJA
Unterhalter AJA

COURT B

30. Beyond Platinum (Pty) Ltd v Ellies Electronics (Pty) Ltd, Robridge Construction CC T/A Easy Store, The Minister of Trade and Industry, The Minister of Police, CY Anre and Muhammed Moolla Storage CC

73/2020 (GP)

3 4 5 20 25

Navsa JA
Ponnan JA
Cachalia JA
Matojane AJA
Mabindla-Boqwana AJA

COURT C

31. National Union of Metal Workers of South Africa and Second to One Hundred and Sixty Third Appellants v Dunlop Mixing and Technical Services (Pty) Limited, Dunlop Belting Products (Pty) Limited and Dunlop Industrial Hose (Pty) Limited

006/2020 (KZP)

6 13 15 17 23

Wallis JA
Molemela JA
Schippers JA
Dlodlo JA
Goosen AJA

COURT D

32. Anita Julia Gent and Bonnox (Pty) Ltd v Pieter Daniél Jacobs du Plessis

1029/2019 (GP)

8 11 14 22 24

Mbha JA
Van der Merwe JA
Makgoka JA
Weiner AJA
Sutherland AJA

Monday: 16 November 2020

COURT A

33. The Member of the Executive Council for Health, Eastern Cape v Zimbini Mpetsheni obo Luyanda Mpetsheni

576/2019 (ECB)

2 9 18 21 27

Petse DP
Zondi JA
Nicholls JA
Eksteen AJA

Unterhalter AJA

COURT B

34. United Democratic Movement and Holomisa Bantu v Lebeashe Investment Group (Pty) Ltd, Harith General Partners (Pty) Ltd, Harith Fund Managers (Pty) Ltd, Wheatley Warren Gregory, Mahloele Tshepo Duan and Moleketi Phillip Jabulani
1032/2019 (GP)

5 8 13 14 24

Cachalia JA
Mbha JA
Molemela JA
Makgoka JA
Sutherland AJA

COURT C

35. M L Matlala v Minister of South African National Defence Force & South African National Defence Force
1324/2018 (LP)

6 11 12 20 25

Wallis JA
Van der Merwe JA
Mocumie JA
Matojane AJA
Mabindla-Boqwana AJA

COURT D

36. Pelham Stephanus Bothma, S. Bothma & SeunTransport (Edms) Bpk, Merino Boerdery Belange (Edms) Bpk, Pelham Stephanus Bothma NO, Johanna Elizabeth Bothma NO, Jan F W Basson NO, Louis Bothma (Jnr) NO, Jan F W Basson NO, Pelham Stephanus Bothma NO and Mavis Cilliers NO v Tertius Bothma NO and Carine Bothma NO
748/2019 (FB)

10 15 16 23 26

Dambuza JA
Schippers JA
Plasket JA
Goosen AJA
Poyo-Dlwati AJA

Tuesday: 17 November 2020

COURT A

37. Tongaat Hulett Limited, Tongaat Hulett Sugar Limited and Tongaat Hulett Acucareira de Xinavane SA v Hollard Insurance Company Limited, Global Alliance or

Global Alliance Insurance, Hollard Mozambique Comphania de Seguros and Global Alliance Seguros Insurance
926/2019 (KZD)

3 9 14 23 27

Navsa JA
Zondi JA
Makgoka JA
Goosen AJA
Unterhalter AJA

COURT B

38. Zungu-Elgin Engineering (Pty) Ltd v Jeany Industrial Holdings (Pty) Ltd and Ian Laverne Donjeany and Lee Spencer Donjeany
1138/2019 (KZD)

4 11 18 19 26

Ponnan JA
Van der Merwe JA
Nicholls JA
Ledwaba AJA
Poyo-Dlwati AJA

COURT C

39. Road Accident Fund v Zuko Busuku
1013/2019 (ECM)

6 12 17 21 22

Wallis JA
Mocumie JA
Dlodlo JA
Eksteen AJA
Weiner AJA

Wednesday: 18 November 2020

COURT A

40. Silwane Community Development Trust v Regional Land Claims Commissioner, Kwazulu Natal, Commission on Restitution of Land Rights, Minister of Rural Development and Land Reform, Director General of the Department of Rural Development and Land Reform, The Charl Senekal Suiker Trust IT 855/1984, Mbongeni Zulu, Nomusa Mathe, Ntombifuthi Mathabela, Ndaba Gumbi, Muswenkosi Mathabela and Registrar of Deeds, KwaZulu-Natal
900/2019 (LCC)

2 8 10 18 20

Petse DP
Mbha JA
Dambuza JA
Nicholls JA
Matojane AJA

COURT B

**41. Mahomed Mahier Tayob & Eugene January v Shiva Uranium (Pty) Limited,
Christopher Kgashane Monyela & Juanito Martin Damons
336/2019 (GP)**

5 7 11 15 26

Cachalia JA
Saldulker JA
Van der Merwe JA
Schippers JA
Poyo-Dlwati AJA

Thursday: 19 November 2020

COURT A

**42. K2012076290 (South Africa) (Pty) Ltd v Oude Chardonnay Rusoord (Pty) Ltd &
Registrar of Deeds, Cape Town
642/2019 (WCC)**

3 9 12 21 25

Navsa JA
Zondi JA
Mocumie JA
Eksteen AJA
Mabindla-Boqwana AJA

COURT B

**43. Madibeng Local Municipality v Public Investment Corporation Ltd
955/2019 (GP)**

4 7 16 19 22

Ponnan JA
Saldulker JA
Plasket JA
Ledwaba AJA
Weiner AJA

COURT C

**44. Koni Multinational Brands (Pty) Ltd v Beiersdorf AG
553/2019 (GJ)**

5 14 15 24 27

Cachalia JA
Makgoka JA
Schippers JA
Sutherland AJA
Unterhalter AJA

COURT D

45. Gobela Consulting CC v Makhado Municipality**910/2019 (LP)****6 8 13 17 26**

Wallis JA
Mbha JA
Molemela JA
Dlodlo JA
Poyo-Dlwati AJA

Friday: 20 November 2020**COURT A****46. Mafemani Collett Vukeya v Shalate Nelly Ntshane, Registrar of Deeds, Johannesburg & Maringa Attorneys & Conveyancers****518/2019 (GJ)****1 10 12 16 23**

Maya P
Dambuzza JA
Mocumie JA
Plasket JA
Goosen AJA

COURT B**47. Fusion Properties 233 CC v Stellenbosch Municipality****932/2019 (WCC)****2 7 15 20 24**

Petse DP
Saldulker JA
Schippers JA
Matojane AJA
Sutherland AJA

COURT C**48. Municipal Employees' Pension Fund & Akani Retirement Fund Administrators (Pty) Ltd v Dineo Innolentia Mongwaketse****969/2019 (GJ)****4 6 13 17 22**

Ponnan JA
Wallis JA
Molemela JA
Dlodlo JA
Weiner AJA

Monday: 23 November 2020**COURT A**

49. Morekwa Francinah Thobejane, Maseboti Simon Pholwane, Cedrick Pholoshi Mogoba, Molohlanye William Phala and Kgolane Daphney Thobejane v The Premier of the Limpopo Province and The Member of the Executive Committee for Traditional Affairs of the Limpopo Province

1108/2019 (LP)

2 9 14 25 26

Petse DP
Zondi JA
Makgoka JA
Mabindla-Boqwana AJA
Poyo-Dlwati AJA

COURT B

50. GuardRisk Insurance Company Ltd v Café Cameleon CC

632/2020 (WCC)

5 7 8 19 21

Cachalia JA
Saldulker JA
Mbha JA
Ledwaba AJA
Eksteen AJA

COURT C

51. The MEC for Health, Western Cape v Mpumelelo Sidwell Coboza

1087/2019 (WCC)

11 13 17 24 27

Van der Merwe JA
Molemela JA
Dlodlo JA
Sutherland AJA
Unterhalter AJA

Tuesday: 24 November 2020

COURT A

52. Timothy Gordon Marsland v The Additional District Court Magistrate Kempton Park and The Director of Public Prosecutions, Johannesburg

162/2020 (GJ)

1 11 14 21 26

Maya P
Van der Merwe JA
Makgoka JA
Eksteen AJA
Poyo-Dlwati AJA

Wednesday: 25 November 2020

Thursday: 26 November 2020

COURT A

Friday: 27 November 2020

COURT A

COURT B

COURT C

Monday: 30 November 2020

COURT A

COURT B