

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

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



FINAL ROLL

MAY 2021

(14 May 2021)

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

JUDGES - MAY 2021

- 1 Maya P
- 2 Petse DP
- 3 Navsa JA
- 4 Ponnann JA
- 5 Wallis JA
- 6 Saldulker JA
- 7 Mbha JA
- 8 Zondi JA
- 9 Dambuza JA
- 10 Mocumie JA
- 11 Makgoka JA
- 12 Schippers JA
- 13 Dlodlo JA
- 14 Mbatha JA
- 15 Ledwaba AJA
- 16 Gorven AJA
- 17 Carelse AJA
- 18 Kgoele AJA
- 19 Potterill AJA
- 20 Eksteen AJA
- 21 Phatshoane AJA
- 22 Goosen AJA
- 23 Rogers AJA
- 24 Mabindla-Boqwana AJA
- 25 Poyo-Dlwati AJA
- 26 Unterhalter AJA

Monday: 3 May 2021

COURT A

1. Harry Mark Deon Bath v Van Heerden & Brummer Incorporated

356/2020 (GP)

2 7 8 18 21

Petse DP
Mbha JA
Zondi JA
Kgoele AJA
Phatshoane AJA

COURT B

2. Special Investigating Unit and The Acting National Commissioner of the National Department of Correctional Services v Engineered Systems Solutions (Pty) Ltd

216/2020 (GP)

3 6 13 23 24

Navsa JA
Saldulker JA
Dlodlo JA
Rogers AJA
Mabindla-Boqwana AJA

Tuesday: 4 May 2021

COURT A

3. Phillippus Arnoldus Venter du Plessis v Road Accident Fund

138/2020 (ECG)

3 9 10 19 20

Navsa JA
Dambuza JA
Mocumie JA
Potterill AJA
Eksteen AJA

COURT B

4. The Black Eagle Project Roodekrans v The MEC: Department of Agriculture, Conservation and Environment, Gauteng Provincial Government, The Head of Department: Department of Agriculture, Conservation and Environment,

**Gauteng Provincial Government, Landev (Pty) Ltd & Netrac Investments No 72
(Pty) Ltd
542/2019 (GJ)**

4 8 12 17 24

Ponnan JA
Zondi JA
Schippers JA
Carelse AJA
Mabindla-Boqwana AJA

COURT C

**5. Gert Louwrens Steyn de Wet, Johan Francois Engelbrecht and The Master of
the High Court, Gauteng Division, Johannesburg v Sumaiya Abdool Gafaar
Khammissa, Bethuel Billyboy Mahlatsi, Keheditse Desiree Judith Masege,
Gurwantral Laxman Bhikha and Albert Ivan Surmany
358/2020 (GJ)**

6 11 14 16 22

Saldulker JA
Makgoka JA
Mbatha JA
Gorven AJA
Goosen AJA

Wednesday: 5 May 2021

COURT A

**6. Lewis Stores (Pty) Ltd v Summit Financial Partners (Pty) Ltd, the National
Consumer Tribunal and the National Credit Regulator
314/2020 (GP)**

4 5 10 13 20

Ponnan JA
Wallis JA
Mocumie JA
Dlodlo JA
Eksteen AJA

COURT B

**7. City of Johannesburg Metropolitan Municipality v Zibi: Yanga and Zibi:
Lindizwe
234/2020 (GJ)**

6 7 12 17 25

Saldulker JA
Mbha JA
Schippers JA

Carelse AJA
Poyo-Diwati AJA

Thursday: 6 May 2021

COURT A

8. Willem Grobler v Clara Phillips, Johan Venter N O and Helderberg Municipality
446/2020 (WCC)

2 10 13 21 22

Petse DP
Mocumie JA
Dlodlo JA
Phatshoane AJA
Goosen AJA

COURT B

9. Samancor Holdings (Pty) Ltd, BHP Billiton SA Limited and Anglo South Africa Capital (Pty) Ltd v Samancor Chrome Holdings (Pty) Ltd and Samancor Chrome Limited
357/2020 (GJ)

3 6 14 15 23

Navsa JA
Saldulker JA
Mbatha JA
Ledwaba AJA
Rogers AJA

COURT C

10. Maxrae Estates (Pty) Ltd v The National Minister of Agriculture, Forestry and Fisheries and Delegate of the Minister of Agriculture, Forestry and Fisheries: Land Use and Soil Management
407/2020 (GP)

5 9 11 16 26

Wallis JA
Dambuza JA
Makgoka JA
Gorven AJA
Unterhalter AJA

Friday: 7 May 2021

COURT A

11. Discovery Life Limited v Michael William Hogan and Joan Hazel Hogan
389/2020 (GJ)

25 19 23 25

Petse DP
Wallis JA
Potterill AJA
Rogers AJA
Poyo-Dlwati AJA

COURT B

**12. The Commissioner for the South African Revenue Service v Tourvest
Financial Services (Pty) Ltd
435/2020 (Tax Court)**

47 12 16 18

Ponnan JA
Mbha JA
Schippers JA
Gorven AJA
Kgoele AJA

COURT C

**13. Mxolisi Mananga, Tando Ngqoyi and Mava Mananga v Minister of Police
342/2020 (ECM)**

8 11 20

Zondi JA
Makgoka JA
Eksteen AJA

COURT D

**14. eThekweni Municipality v Crimson Clover Trading 17 (Pty) Ltd t/a Island
Hotel
280/2020 (KZD)**

9 11 14 22 26

Dambuza JA
Makgoka JA
Mbatha JA
Goosen AJA
Unterhalter AJA

Monday: 10 May 2021

COURT A

**15. Bertie van Zyl (Pty) Ltd t/a ZZ2, Tomato Producers' Organisation,
Noordelike UIE Komitee and Fresh Produce Importers' Association NPC v The
Minister of Agriculture, Forestry and Fisheries, Product Control for Agriculture,**

Leaf Services (Pty) Ltd, Nejamogul Technologies & Agric Services, Agency for Food Safety (Pty) Ltd, Impumelelo Agribusiness Solutions (Pty) Ltd, Perishable Products Export Control Board and South African Meat Industry Company
549/2020 (GP)

2 6 11 22 26

Petse DP
Saldulker JA
Makgoka JA
Goosen AJA
Unterhalter AJA

COURT B

16. The Commissioner for the South African Revenue Service v Toneleria Nacional RSA (Pty) Ltd
445/2020 (WCC)

3 5 14 23 25

Navsa JA
Wallis JA
Mbatha JA
Rogers AJA
Poyo-Diwati AJA

COURT C

17. The Member of the Executive Council Department of Health, North West Province v Nthombizile Annah Mthombeni N O
035/2020 (NWM)

8 9 10 16 20

Zondi JA
Dambuza JA
Mocumie JA
Gorven AJA
Eksteen AJA

Tuesday: 11 May 2021

COURT A

18. Ingquza Hill Local Municipality and Bambezakhe Goya v Jongintaba Mdingi
1110/2019 (ECM)

2 8 13 15 24

Petse DP
Zondi JA
Dlodlo JA
Ledwaba AJA
Mabindla-Boqwana AJA

COURT B

**19. Oakbay Investments (Pty) Ltd v Tegeta Exploration and Resources (Pty) Ltd
(In Business Rescue), Johan Louis Klopper N O, Kurt Robert Knoop N O and The
Companies and Intellectual Property Commission (CIPC)**

1274/2019 (GP)

4 5 6 22 26

Ponnan JA
Wallis JA
Saldulker JA
Goosen AJA
Unterhalter AJA

Wednesday: 12 May 2021

COURT A

20. Teresa Fortunate Mabasa v The State

677/2020 (GP)

7 14 17 21 24

Mbha JA
Mbatha JA
Carelse AJA
Phatshoane AJA
Mabindla-Boqwana AJA

COURT B

21. Aadiel Essop v The State

432/2020 (GP)

9 13 22

Dambuza JA
Dlodlo JA
Goosen AJA

Thursday: 13 May 2021

COURT A

22. Zola Cedric Machi v The State

256/2020 (GJ)

8 10 11 18 20

Zondi JA
Mocumie JA
Makgoka JA
Kgoele AJA
Eksteen AJA

Friday: 14 May 2021

COURT A

23. Hirt and Carter Pty (Ltd) v IT Arnsten N O, Big Concerts International (Pty) Ltd, Alliance Safety CC t/a Alliance Safety Management, Glaxosmithkline (Pty) Ltd, Maxwill 137 CC t/a Bothma Signs, Vertex Scaffolding CC, The City of Cape Town, BLK OPS (Pty) Ltd, The Minister of Safety and Security, Leslie James Heaven and National Director of Public Prosecutions
277/2020 (WCC)

3 10 13 19 25

Navsa JA
Mocumie JA
Dlodlo JA
Potterill AJA
Poyo-Diwati AJA

COURT B

24. The Minister of Police v Underwriters at Lloyd's of London
1212/2019 (Gauteng Division)

5 11 18 21 22

Wallis JA
Makgoka JA
Kgoele AJA
Phatshoane AJA
Goosen AJA

COURT C

25. Nimble Investments (Pty) Ltd (formerly known as Tadvest Industrial (Pty) Ltd) v Johanna (Elsie) Malan, Dorothy Malan, Charmaine Malan, Moses Malan, Jacobus Malan, Liza Plaatjies, Redewaan Botha, Ashley Malan, Those Persons Unlawfully Occupying Cottage No. 5, Topshell Park, Baden Powell Road, Lynedoch, Stellenbosch, with, or under, First to Eighth Respondents, Stellenbosch Municipality and Department of Rural Development and Land Reform
556/2020 (LCC)

9 12 14 17 20

Dambuza JA
Schippers JA
Mbatha JA
Carelse AJA
Eksteen AJA

Monday: 17 May 2021

COURT A

26. Elias Thapelo Tshepe and Victoria Tshepe v Rustia Feed (Pty) Ltd
90/2020 (NWM)

2 7 8 18 21

Petse DP
Mbha JA
Zondi JA
Kgoele AJA
Phatshoane AJA

COURT B

27. Simon John Nash, Cadac (Pty) Ltd, Antoinette Cronje, Iris Rose Schoeman and Samantha Mays v The Cadac Pension Fund (In Curatorship, Registration Number 12/8/0020425), Anton Louis Mostert N O, Johan Esterhuizen N O, Karen Keevy N O and NMG Administrators (Pty) Ltd
545/2020 (GJ)

9 11 14 15 26

Dambuza JA
Makgoka JA
Mbatha JA
Ledwaba AJA
Unterhalter AJA

Tuesday: 18 May 2021

COURT A

28. Capitec Bank Holdings Limited and Capitec Bank Limited v Coral Lagoon Investments 194 (Pty) Ltd, Ash Brook Investments 15 (Pty) Ltd, The Transnet Second Defined Benefit Fund, Rorisang Basadi Investments (Pty) Ltd and Lemoshanang Investments (Pty) Ltd
470/2020 (GJ)

4 11 14 22 26

Ponnan JA
Makgoka JA
Mbatha JA
Goosen AJA
Unterhalter AJA

COURT B

29. Martin van Zyl v Auto Commodities (Pty) Ltd
279/2020 (NCK)

5 7 12 21 23

Wallis JA
Mbha JA
Schippers JA
Phatshoane AJA
Rogers AJA

COURT C

**30. Sasol South Africa (Pty) Ltd v Murray & Roberts Limited
425/2020 (GJ)**

6 8 15 16 19

Saldulker JA
Zondi JA
Ledwaba AJA
Gorven AJA
Potterill AJA

Wednesday: 19 May 2021

COURT A

**31. Abraham Paulus Bisschoff; Abraham Paulus Bisschoff N O (in his capacity as representative of the trustees of the Paul Bisschoff Trust), Rietvlug Landgoed (Pty) Limited, David Eduard Bisschoff and David Eduard Bisschoff N O (in his capacity as representative of the trustees of the David Bisschoff Trust) v Welbeplan Boerdery (Pty) Ltd
815/2016 (NWM)**

5 9 12 13 24

Wallis JA
Dambuza JA
Schippers JA
Dlodlo JA
Mabindla-Boqwana AJA

Thursday: 20 May 2021

COURT A

**32. South African Reserve Bank v Renette Leathern N O, William David Leathern N O, Jerifanos Mashamba N O (in their capacities as duly appointed trustees of the insolvent estate of Ahmed Dawood Bhorat (T2450/16)) and Grobank
854/2020 (GP)**

1 7 11 16 26

Maya P
Mbha JA
Makgoka JA
Gorven AJA
Unterhalter AJA

COURT B

**33. Harbour Arch Investment Holdings (Pty) Ltd v Capital Propfund 4 (Pty) Ltd
437/2020 (WCC)**

29 14 19 25

Petse DP
Dambuza JA
Mbatha JA
Potterill AJA
Poyo-Diwati AJA

COURT C

34. Jared Michael Watson N O (in his capacity as executor of the estate of the late Gavin Joseph Watson) v Lulama Smuts Ngonyama and Thunder Cats Investments 92 (Pty) Ltd
453/20 (GJ)

3 8 18 22 23

Navsa JA
Zondi JA
Kgoele AJA
Goosen AJA
Rogers AJA

COURT D

35. Germa Beukes v Ten Four Consulting (Pty) Ltd, Fourth Dimension Financial Services (Pty) Ltd and The Honourable Justice Barend Rudolph du Plessis
570/2020 (GP)

4 6 10 12 20

Ponnan JA
Saldulker JA
Mocumie JA
Schippers JA
Eksteen AJA

Friday: 21 May 2021

COURT A

36. Passenger Rail Agency of South Africa v Johanna Dipuo Sithuse
569/2020 (GP)

5 8 15 17 23

Wallis JA
Zondi JA
Ledwaba AJA
Carelse AJA
Rogers AJA

Monday: 24 May 2021

COURT A

37. K2013046547/07 South Africa (Pty) Ltd, Investec Bank Limited and Blue Cloud Investments 40 (Pty) Ltd v Hyde Construction CC and The Registrar of Deeds Cape Town
513/2020 (WCC)

4 10 13 16 23

Ponnan JA
Mocumie JA
Dlodlo JA
Gorven AJA
Rogers AJA

COURT B

COURT C

Tuesday: 25 May 2021

COURT A

38. Blendrite (Pty) Ltd and Manivasan Palani v Dhramalingum Moonisami and Global Networks Systems (Pty) Ltd
227/2020 (KZD)

3 10 13 15 16

Navsa JA
Mocumie JA
Dlodlo JA
Ledwaba AJA
Gorven AJA

COURT B

COURT C

Wednesday: 26 May 2021

COURT A

39. Minister of Cooperative Governance v Reyno Dawid de Beer, Liberty Fighters Network and Hola Bon Renaissance Foundation
538/2020 (GP)

3 4 14 23 26

Navsa JA
Ponnan JA
Mbatha JA
Rogers AJA
Unterhalter AJA

COURT B**COURT C**

Thursday: 27 May 2021

COURT A

40. The Commissioner for the South African Revenue Services v Glencore Operations (Pty) Ltd

462/2020 (GP)

27 16 23 24

Petse DP
Mbha JA
Gorven AJA
Rogers AJA
Mabindla-Boqwana AJA

COURT B**COURT C**

Friday: 28 May 2021

COURT A**COURT B****COURT C**

Monday: 31 May 2021

COURT A**COURT B****COURT C**