

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

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



**FINAL ROLL
AUG/SEPT 2021
(24 August 2021)**

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

JUDGES - AUG/SEPT 2021

- 1 Petse AP
- 2 Navsa ADP
- 3 Ponnann JA
- 4 Wallis JA
- 5 Saldulker JA
- 6 Mbha JA
- 7 Mathopo JA
- 8 Van der Merwe JA
- 9 Mocumie JA
- 10 Molemela JA
- 11 Makgoka JA
- 12 Schippers JA
- 13 Mokgohloa JA
- 14 Plasket JA
- 15 Mbatha JA
- 16 Gorven JA
- 17 Carelse JA
- 18 Mothle JA
- 19 Hughes JA
- 20 Mabindla-Boqwana JA
- 21 Kgoele AJA
- 22 Potterill AJA
- 23 Phatshoane AJA
- 24 Molefe AJA
- 25 Unterhalter AJA

Monday: 26 July 2021

COURT A

1. Joy Elizabeth Leworthy v The Ad hoc Central Authority for the Republic of South Africa (as delegated in terms of section 277 of Act 38 of 2005) and timothy Christopher Leworthy and The Minister of Police and The Station Commander: Goodwood Police Station.

1143/2020 (WCC)

5 9 14 16 17

Saldulker JA
Mocumie JA
Plasket JA
Gorven JA
Carelse JA

Monday: 16 August 2021

COURT A

2. Bassani Mining (Pty) Ltd v Sebosat (Pty) Ltd, Mashala Resources (Pty) Ltd, Herman Kurt and Anderson Andrea Avril

835/2020 (GJ)

2 7 10 14 18

Navsa ADP
Mathopo JA
Molemela JA
Plasket JA
Mothle JA

COURT B

3. The MEC for Health and Social Development, Gauteng Province v Maria Makua obo Ofentse Makua

697/2020 (GP)

4 6 15 16 19

Wallis JA
Mbha JA
Mbatha JA
Gorven JA
Hughes JA

COURT C

4. Jason Thomas Rohde v The State
815/2019 (WCC)

5 8 9 13 22

Saldulker JA
Van der Merwe JA
Mocumie JA
Mokgohloa JA
Potterill AJA

COURT D

5. Director of Public Prosecutions v Johannes Mokati
440/2019 (FB)

11 20 21 23 25

Makgoka JA
Mabindla-Boqwana JA
Kgoele AJA
Phatshoane AJA
Unterhalter AJA

Tuesday: 17 August 2021

COURT A

6. Mluleki Martin Chithi, Ernest Sandile Cele and Sinama and Associates Inc (and in re Luhlwini Mchunu Community as Claimant) v Lawrence Hancock, Peter Goble, Buckstone CC, Michael Roberts, Halliwell Property Trust, Arthur James Arathoon, Amanda Jane Campbell, John Norman Campbell, Willem Jan Schortemeijer, Beth Susan Shaw and Others
423/2020 (LCC)

1 10 17 18 24

Petse AP
Molemela JA
Carelse JA
Mothle JA
Molefe AJA

COURT B

7. The Commissioner for the South African Revenue Service v Spur Group (Pty) Ltd

320/2020 (WCC)

2 6 7 16 21

Navsa ADP
Mbha JA
Mathopo JA
Gorven JA
Kgoele AJA

COURT C

8. LA Group (Pty) Ltd v Stable Brands (Pty) Ltd and The Registrar of Trade Marks

650/2020 (GP)

3 11 12 14 23

Ponnan JA
Makgoka JA
Schippers JA
Plasket JA
Phatshoane AJA

Wednesday: 18 August 2021

COURT A

9. Rapholo Edwin Manyaka v The State

434/2020 (GP)

9 12 17 20 23

Mocumie JA
Schippers JA
Carelse JA
Mabindla-Boqwana JA
Phatshoane AJA

Thursday: 19 August 2021

COURT A

10. Somali Association of South Africa, AB, CD, EF, GH, IJ, KL, MN and OP v Refugee Appeal Board, Chairperson: Refugee Appeal Board, Minister of Home Affairs, Director General of the Department of Home Affairs, The Tshwane Interim Refugee Reception Office, The Pretoria Refugee Reception Office and The Standing Committee for Refugee Affairs

585/2020 (GP)

2 8 10 15 19

Navsa ADP
Van der Merwe JA
Molemela JA
Mbatha JA
Hughes JA

COURT B

11. UPS SCS South Africa (Pty) Ltd v Hendrik Cornelis van Wyk t/a Skydive Mossel Bay
421/2020 and 422/2020 (WCC)

3 4 5 13 20

Ponnan JA
Wallis JA
Saldulker JA
Mokgohloa JA
Mabindla-Boqwana JA

COURT C

12. Multichoice Support Services (Pty) Ltd v Calvin Electronics t/a Batavia Trading and Mudumela Calvin Thitovhelwi
296/2020 and 226/2021 (LP)

6 12 22 23 24

Mbha JA
Schippers JA
Potterill AJA
Phatshoane AJA
Molefe AJA

Friday: 20 August 2021

COURT A

13. Pride Milling Company (Pty) Ltd v Marthinus Jacobus Bekker N O and Edward Gnanapargarsum Sebastian N O
393/2020 (GP)

1 3 4 13 17

Petse AP
Ponnan JA
Wallis JA
Mokgohloa JA
Carelse JA

COURT B

**14. Canton Trading 17 (Pty) Ltd t/a Cube Architects v Fanti Bekker Hattingh N O
479/2020 (FB)**

5 7 9 23 25

Saldulker JA
Mathopo JA
Mocumie JA
Phatshoane AJA
Unterhalter AJA

COURT C

**15. Casper Jacobus Lotter N O, Jacobus Andreas du Plessis N O, Johannes Cornelius Heunis N O v The Minister of Water and Sanitation, The Minister of Water and Environmental Affairs, The Director General: Department of Water and Sanitation, 2. South African Association for Water User Associations, Eagle’s Nest Investment 3 CC, Thusano Empowerment Farm (Pty) Ltd v The Minister of Water and Sanitation, The Director General: Department of Water and Sanitation, Sifiso Mkhize N O, Deputy Director-General Water Sector Regulation, Department of Water and Sanitation, Deputy Director-General: Special Project, Department of Water and Sanitation, 3. Francois Gerhardus Johannes Wiid, Torqhoff Boerdery (Pty) Ltd, Francois Gerhardus Johannes Wiid N O, Reinette Jeppe Wiid N O, Carel Jacobus van Pletzen N O v The Minister of Water and Sanitation, The Minister of Environmental Affairs, The Director General: Department of Water and Sanitation, Gabriel Petrus Viljoen N O, Anton Andre Strydom N O, Anton Stephanus Viljoen N O
725/2020 (GP)**

11 14 16 19 21

Makgoka JA
Plasket JA
Gorven JA
Hughes JA
Kgoele AJA

Monday: 23 August 2021

COURT A

**16. Minister of Police v Mphale Albert Khoeli
241/2020 (FB)**

1 7 15 17 18

Petse DP
Mathopo JA
Mbatha JA
Carelse JA
Mothle JA

COURT B

17. Federation Internationale De Football Association v Kgopotso Leslie Sedibe and South African Football Association.

303/2020 (GP)

2 6 9 16 20

Navsa ADP
Mbha JA
Mocumie JA
Gorven JA
Mabindla-Boqwana JA

COURT C

18. The National Prosecuting Authority v PSA obo Meintjies and 55 others, The Minister of Justice and Correctional Services, Director-General; Department of Justice and Constitutional Development, Minister of Public Service and Administration, Minister of Finance and Government Employees Pensions Fund

And

The Minister of Justice and Correctional Services and Director-General; Department of Justice and Constitutional Development v PSA obo Meintjies and 55 others, Minister of Public Service and Administration, National Prosecuting Authority, Minister of Finance and Government Employees Pensions Fund

353/2020 and 354/2020 (GP)

5 8 10 13 19

Saldulker JA
Van der Merwe JA
Molemela JA
Mokgohloa JA
Hughes JA

Tuesday: 24 August 2021

COURT A

19. Michael Raju Padayachee v The State

679/2020 (KZP)

1 7 9 11 24

Petse AP
Mathopo JA
Mocumie JA
Makgoka JA
Molefe AJA

COURT B

20. Sunnidhew Sookai Jugwanth v Mobile Telephone Networks (Pty) Ltd

529/2020 (GJ)

2 16 19 21 23

Navsa ADP
Gorven JA
Hughes JA
Kgoele AJA
Phatshoane AJA

COURT C

21. South African National Roads Agency SOC Ltd v Fountain Civil Engineering (Pty) Ltd and Lombard Insurance Company Ltd

395/2020 (GP)

3 12 13 18 20

Ponnan JA
Schippers JA
Mokgohloa JA
Mothle JA
Mabindla-Boqwana JA

COURT D

22. Lungisa Grifhs v The State

433/2020 (ECM)

8 10 15 17 22

Van der Merwe JA
Molemela JA
Mbatha JA
Carelse JA
Potterill AJA

Wednesday: 25 August 2021

COURT A

23. Christiaan Brits v The Minister of Police and Colonel James Espach

759/2020 (LP)

1 7 9 10 18

Petse AP
Mathopo JA

Mocumie JA
Molemela JA
Mothle JA

COURT B

24. Solidarity obo Members v The Minister of Small Business Development, The Minister of Trade & Industry, The Minister of Tourism, The Office of the Presidency, The Director-General of the Department of Small Business Development, The Director-General of the Department of Trade & Industry and the Director-General of the Department of Tourism

498/2020 (GP)

4 12 14 22 23

Wallis JA
Schippers JA
Plasket JA
Potterill AJA
Phatshoane AJA

AND

25. Afriforum NPC v The Minister of Tourism, Department of Tourism and Director-General of the Department of Tourism

499/2020 (GP)

4 12 14 22 23

Wallis JA
Schippers JA
Plasket JA
Potterill AJA
Phatshoane AJA

Thursday: 26 August 2021

COURT A

26. The Trustees for the time being of the Legacy Body Corporate v Bae Estates and Escapes (Pty) Ltd and Pam Golding Property Management Services (Pty) Ltd

304/2020 (WCC)

1 6 11 22 23

Petse AP
Mbha JA
Makgoka JA
Potterill AJA
Phatshoane AJA

COURT B

**27. Traxys Africa Holdings Limited (formerly Metmar Limited) (Pty) and Traxys Africa Trading Limited (formerly Metmar (Pty) Limited) v Westbrook Resources Limited
509/2020 (GJ)**

3 8 13 14 24

Ponnan JA
Van der Merwe JA
Mokgohloa JA
Plasket JA
Molefe AJA

Friday: 27 August 2021

COURT A

**28. Santam Limited a division of which is Hospitality and Leisure Insurance v Ma-Afrika Hotels (Pty) Ltd and The Stellenbosch Kitchen (Pty) Ltd
255/2021 (WCC)**

2 6 11 16 20

Navsa ADP
Mbha JA
Makgoka JA
Gorven JA
Mabindla-Boqwana JA

COURT B

29. Augustinus Petrus Maria Kouwenhoven v The Minister of Police, The Director of Public Prosecutions (Western Cape), The Minister of Justice and Correctional Services, The Magistrate: Pretoria, The Additional Magistrate: Cape Town

And

Augustinus Petrus Maria Kouwenhoven v Director of Public Prosecutions, Western Cape AND in the review application between: Augustinus Petrus Maria Kouwenhoven v Director of Public Prosecutions, Western Cape, The State, The Minister of Justice and Correctional Services, and The Additional Magistrate Magistrates' Court for the District Court of Cape Town

888/2020 and 288/2021(WCC)

3 4 12 19 21

Ponnan JA
Wallis JA
Schippers JA
Hughes JA
Kgoele AJA

COURT C**30. Ex Parte: National Director of Public Prosecutions****669/2020 (MMB)****5 14 15 24 25**

Saldulker JA
Plasket JA
Mbatha JA
Molefe AJA
Unterhalter AJA

Monday: 30 August 2021

COURT A**31. Mukuru Africa (Pty) Ltd v The Commissioner for the South African Revenue Service****520/2020 (Tax Court)****3 6 7 11 19**

Ponnan JA
Mbha JA
Mathopo JA
Makgoka JA
Hughes JA

COURT B**32. Vukani Gaming Free State (Pty) Ltd v Mr D Pillay, the Chairperson: Free State Gambling, Liquor & Tourism Authority, Mr KA Dichabe, The Chief Executive Officer: Free State Gambling, Liquor & Tourism Authority, The Free State Gambling, Liquor & Tourism Authority, Restivox (Pty) Ltd, The Member of the Executive Council for the Department of Economic, Small Business Development, Tourism & Environmental Affairs: Free State Province, The Entities Listed in Annexure 'A' to the Notice of Motion (Sixth to 103rd Respondents)****577/2020 (FB)****4 5 15 20 25**

Wallis JA
Saldulker JA
Mbatha JA
Mabindla-Boqwana JA
Unterhalter AJA

Tuesday: 31 August 2021

COURT A

33. The Clicks Group Ltd, New Clicks South Africa (Pty) Ltd, Unicorn Pharmaceuticals (Pty) Ltd, Clicks Investments (Pty) Ltd and Clicks Retailers (Pty) Ltd v The Independent Community Pharmacy Association, The Minister of Health, The Chairperson of the Section 22(11) Appeal Committee and The Director-General of the Department of Health

644/2020 (WCC)

1 7 11 14 21

Petse AP
Mathopo JA
Makgoka JA
Plasket JA
Kgoele AJA

COURT B

34. Lonwabo Hlakanyane v Ziyanda Hlakanyane

775/2020 (ECB)

6 9 12 16 19

Mbha JA
Mocumie JA
Schippers JA
Gorven JA
Hughes JA

Wednesday: 1 September 2021

COURT A

35. The owners and underwriters of the MV ‘MSC Susanna’ and the Demise Charterers of the MV ‘MSC Susanna’ v Transnet (SOC) Ltd-The National Ports Authority of South Africa and the Ministère Des Armés and SAUDI Basic Industries Corporation (SABIC)

1039/2020 (KZP)

2 4 12 15 16

Navsa ADP
Wallis JA
Schippers JA
Mbatha JA
Gorven JA

COURT B

36. The Magistrates Commission, Zola Mbalo N O (Chairperson of the Appointments Committee of the Magistrates Commission), The Minister of Justice and Correctional Services and Cornelius Mokgobo NO (Acting Chief Magistrate: Bloemfontein Cluster ‘A’) v Richard John Lawrence [The Helen Suzman Foundation as amicus curiae]
388/2020 (FB)

3 5 8 10 22

Ponnan JA
Saldulker JA
Van der Merwe JA
Molemela JA
Potterill AJA

Thursday: 2 September 2021

COURT A

37. Dr Hubert Adendorff N O (in his capacity as the executor of the estate of Elizabeth Susara Adendorff) and Dr Hubert Adendorff v Daniel Phentula Khubheka and The Director-General for the Department of Rural Development and Land Affairs
463/2020 (LCC)

1 6 17 23 24

Petse AP
Mbha JA
Carelse JA
Phatshoane AJA
Molefe AJA

COURT B

38. The Ombud for Financial Services Providers v CS Brokers CC, Emile Storm, His Lordship Mr Justice of Appeal Retired, LTC Harms N O, Z Mabhoza N O, G Madlanga N O and J B Wallace
781/2020 (GP)

3 7 10 15 16

Ponnan JA
Mathopo JA
Molemela JA
Mbatha JA
Gorven JA

COURT C

39. Mapatle Kgatla v Masedi Ronny Mashala
382/2020 (LP)

9 13 18 20 25

Mocumie JA
Mokgohloa JA
Mothle JA
Mabindla-Boqwana JA
Unterhalter AJA

Friday: 3 September 2021

COURT A

40. Auditor-General of South Africa v Member of the Executive Council for Economic Opportunities: Western Cape and The National Treasury
671/2020 (WCC)

2 5 8 9 18

Navsa JA
Saldulker JA
Van der Merwe JA
Molemela JA
Mothle JA

COURT B

41. NBC Holdings (Pty) Ltd v Akani Retirement Fund Administrators (Pty) Ltd
399/2020 (GJ)

4 11 12 14 17

Wallis JA
Makgoka JA
Schippers JA
Plasket JA
Carelse JA

Monday: 6 September 2021

COURT A

42. Ronel Noleen Smit v Calvin Kleinhans
917/2020 (ECG)

1 10 15 21 22

Petse AP
Molemela JA
Mbatha JA
Kgoele AJA
Potterill AJA

COURT B

43. Pick n Pay Retailers (Pty) Ltd v Cherylene Sarah Pillay
900/2020 (KZP)

29 11 12 16

Navsa ADP
Mocumie JA
Makgoka JA
Schippers JA
Gorven JA

COURT C

**44. Park 2000 Development 11 (Pty) Ltd v Johan Mouton, Van Schalkwyk Vervoer CC, Companies and Intellectual Property Commission, Smoke Consulting (Pty) Ltd and Kenneth Logan Stewart N O
684/2020 (WCC)**

4 6 14 17 20

Wallis JA
Mbha JA
Plasket JA
Carelse JA
Mabindla-Boqwana JA

Tuesday: 7 September 2021

COURT A

**45. Moipone Moroka v The Premier of the Free State Province, The Commission on Traditional Leadership Disputes and Claims, The President of the Republic of South Africa, The Minister of Co-operative Governance and Traditional Affairs, The Free State House of Traditional Leaders, Moroka Sehunelo Kingsley and Moroka Lebogang Hilary
295/2020 (FB)**

1 6 13 18 19

Petse DP
Mbha JA
Mokgohloa JA
Mothle JA
Hughes JA

COURT B

**46. Bayport Securitization RF LTD and Law Society of South Africa v University of Stellenbosch Law Clinic, Summit Financial Partners (Pty) Ltd, Jenina Mary Matthys, Skhumbuzo Richard Khumalo, Frans Saulus, Albert Robert Kleinsmith, Gladys Seikgotla Jantjies, Ester Kordom, Sarah Felicity Visser, Edgar Arnold and Others
507/2020 (WCC)**

3 11 16 23 24

Ponnan JA
Makgoka JA
Gorven JA
Phatshoane AJA
Molefe AJA

COURT C

**47. Noel Patrick McCrane v Cape Royale The Residence (Pty) Ltd
831/2020 (WCC)**

5 7 14 21 22

Saldulker JA
Mathopo JA
Plasket JA
Kgoele AJA
Potterill AJA

Wednesday: 8 September 2021

Thursday: 9 September 2021

COURT A

**48. Rand West City Local Municipality v Quill Associates (Pty) Ltd and The Registrar of
the High Court, Gauteng Division, Pretoria
497/2020 (GP)**

2 7 10 13 16

Navsa ADP
Mathopo JA
Molemela JA
Mokgohloa JA
Gorven JA

COURT B

**49. Leeuw Mining and Exploration (Pty) Limited v Keaton Energy Holdings Limited
784/2020 (GJ)**

3 4 12 19 20

Ponnan JA
Wallis JA
Schippers JA
Hughes JA
Mabindla-Boqwana JA

COURT C

50. Masibulele Rautini v Passenger Rail Agency of South Africa

853/2020 (WCC)

6 17 18 23 24

Mbha JA
Carelse JA
Mothle JA
Phatshoane AJA
Molefe AJA

Friday: 10 September 2021

COURT A**51. Nandi Jacobs v The Minister of Justice and Correctional Services****431/2020 (GP)**

7 8 10 18 25

Mathopo JA
Van der Merwe JA
Molemela JA
Mothle JA
Unterhalter AJA

Monday: 13 September 2021

COURT A**52. Framatome v Eskom Holdings SOC Limited****357/2021 (GJ)**

7 10 11 15 18

Mathopo JA
Molemela JA
Makgoka JA
Mbatha JA
Mothle JA

Tuesday: 14 September 2021

COURT A**53. Rapholo Edwin Manyaka v The State****434/2020 (GP)**

9 12 17 20 23

Mocumie JA
Schippers JA
Carelse JA
Mabindla-Boqwana JA
Phatshoane AJA

Wednesday: 15 September 2021

Thursday: 16 September 2021

Friday: 17 September 2021

Monday: 20 September 2021

Tuesday: 21 September 2021

COURT A

**54. JP Markets SA Pty Ltd v The Financial Sector Conduct Authority
(460/2021)**

1 8 15 19 24

Petse AP
Van der Merwe JA
Mbatha JA
Hughes JA
Molefe AJA

Wednesday: 22 September 2021

Thursday: 23 September 2021

Friday: 24 September 2021

PUBLIC HOLIDAY

Monday: 27 September 2021

Tuesday: 28 September 2021

Wednesday: 29 September 2021

COURT A

55. Director of Public Prosecutions v Johannes Mokati

440/2019 (FB)

11 20 21 23 25

Makgoka JA
Mabindla-Boqwana JA
Kgoele AJA
Phatshoane AJA
Unterhalter AJA

Thursday: 30 September 2021