

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

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



FINAL ROLL

MAY 2022

(16 May 2022)

JUDGES - MAY 2022

- 1 Maya P
- 2 Petse DP
- 3 Ponnann JA
- 4 Zondi JA
- 5 Dambuza JA
- 6 Van der Merwe JA
- 7 Molemela JA
- 8 Makgoka JA
- 9 Schippers JA
- 10 Plasket JA
- 11 Nicholls JA
- 12 Gorven JA
- 13 Carelse JA
- 14 Mothle JA
- 15 Hughes JA
- 16 Mabindla-Boqwana JA
- 17 Tsoka AJA
- 18 Musi AJA
- 19 Meyer AJA
- 20 Matojane AJA
- 21 Makaula AJA
- 22 Smith AJA
- 23 Phatshoane AJA
- 24 Savage AJA
- 25 Salie-Hlophe AJA

Tuesday: 03 May 2022

COURT A

1. Lebohang Peter Mashilo v The State

1129/2019 (GP)

3 8 13 21 24

Ponnan JA
Makgoka JA
Carelse JA
Makaula AJA
Savage AJA

AND

2. Alfred Mzebenzi Nhlapo v The State

933/2020 (GP)

3 8 13 21 24

Ponnan JA
Makgoka JA
Carelse JA
Makaula AJA
Savage AJA

COURT B

3. Jovan Evraud Maree v The State

422/2021 (WCC)

5 7 9 11 23

Dambuza JA
Molemela JA
Schippers JA
Nicholls JA
Phatshoane AJA

COURT C

4. Rennies Travels (Pty) Limited v Commissioner for the South African Revenue Service

207/2021 (GJ)

6 10 15 17 18

Van der Merwe JA
Plasket JA
Hughes JA
Tsoka AJA
Musi AJA

Wednesday: 04 May 2022

COURT A

5. Wezizwe Feziwe Sigcau and Lombekiso Makhosatsini Sigcau v President of the Republic of South Africa, Commission on Traditional Leadership Disputes and Claims, Chairperson of the Commission on Traditional Leadership Disputes and Claims, Zanozuko Tyelovuyo Sigcau, Minister of Local Government and Traditional Affairs, Premier: Eastern Cape Province, National House of Traditional Leaders, Eastern Cape House of Traditional Leaders and Ikumkani amaMpondo Asenyandeni

961/2020 (GP)

1 5 8 12 21

Maya P
Dambuza JA
Makgoka JA
Gorven JA
Makaula AJA

COURT B

6. Pieter Hendrik Strydom N O and Amelia Strecker N O v Snowball Wealth (Pty) Ltd, Leo Chih Hao Chou, W Zhang and Julian David Rabinowitz

356/2021 (WCC)

3 6 15 18 22

Ponnan JA
Van der Merwe JA
Hughes JA
Musi AJA
Smith AJA

COURT C

7. Rosemary Ann Zeelie v Johanness Andries Zeelie

556/2021 (ECP)

9 11 13 19 20

Schippers JA
Nicholls JA
Carelse JA
Meyer AJA
Matojane AJA

Thursday: 05 May 2022

COURT A

8. National Energy Regulator of South Africa v Eskom Holdings SOC Ltd, Minister of Mineral Resources and Energy, Minister of Finance and South African Local Government Association

953/2020 (GJ)

2 6 8 9 24

Petse DP
Van der Merwe JA
Makgoka JA
Schippers JA
Savage AJA

COURT B

9. Luke M Tembani, LMT Estates (Pvt) Limited, Wynand Hart, Queensdale Enterprises (Pty) Limited, Madoda Enterprises (Pvt) Limited, Klipdrift Enterprises (Pvt) Limited, Mike Campbell (Pvt) Limited, Richard Thomas Etheridge, Andrew Kockott, Tengwe Estates (Pvt) Limited and others v President of the Republic of South Africa and the Government of the Republic of South Africa

167/2021 (GP)

3 7 18 19 23

Ponnan JA
Molemela JA
Musi AJA
Meyer AJA
Phatshoane AJA

COURT C

10. The National Director of Public Prosecutions v Timothy Frans Moyane

474/2021 (GP)

4 12 15 20 22

Zondi JA
Gorven JA
Hughes JA
Matojane AJA
Smith AJA

Friday: 06 May 2022

COURT A

11. Govan Mbeki Local Municipality and Emalahleni Local Municipality v Glencore Operations South Africa (Pty) Ltd, Duiker Mining (Pty) Ltd, Tavistock Collieries (Pty) Ltd, Umcebo Properties (Pty) Ltd and Izimbiwa Coal (Pty) Ltd
334/2021

In the cross-appeal

Glencore Operations South Africa (Pty) Ltd, Duiker Mining (Pty) Ltd, Tavistock Collieries (Pty) Ltd, Umcebo Properties (Pty) Ltd and Izimbiwa Coal (Pty) Ltd v Govan Mbeki Local Municipality and Emalahleni Local Municipality

338/2021 (MM)

1 5 10 18 25

Maya P
Dambuza JA
Plasket JA
Musi AJA
Salie-Hlophe AJA

COURT B**12. Earl Rensburg v Minister of Police and the National Director of Public****Prosecutions****557/2021 (ECG)**

7 13 14 17 23

Molemela JA
Carelse JA
Mothle JA
Tsoka AJA
Phatshoane AJA

COURT C**13. Exxaro Coal Mpumalanga (Pty) Ltd v TDS Projects Construction and Newrak****Mining JV (Pty) Ltd and ABSA Bank Limited****169/2021 (GJ)**

9 11 12 16 19

Schippers JA
Nicholls JA
Gorven JA
Mabindla-Boqwana JA
Meyer AJA

Monday: 09 May 2022

COURT A**14. Mokgadi Sarah Sefiti, Pherephere Amos Komane, Temosho Donald Mabilu,****Merrium Mogalakwena Komane, Matiele Evelyn Komane, Doctor Komane, Obed****Komane and Moses Semanyane Moshe Komane v The State****048/2021 (LP)**

6 11 13 20 21

Van der Merwe JA
Nicholls JA
Carelse JA
Matojane AJA
Makaula AJA

COURT B

15. Benedict Moagi Peloele v The Director of Public Prosecutions and Director of Public Prosecution v Benedict Moagi Peloele

740/2021 (GP)

7 8 14 17 22

Molemela JA
Makgoka JA
Mothle JA
Tsoka AJA
Smith AJA

Tuesday: 10 May 2022

COURT A

16. Dion Rademeyer v Thomas Ignatius Ferreira

343/2021 (ECP)

2 8 10 20 22

Petse DP
Makgoka JA
Plasket JA
Matojane AJA
Smith AJA

COURT B

17. Saleem Qurashi, Farhan Ullah and Shabbir Gullam v The State

1166/2018 (FB)

3 6 13 21 23

Ponnan JA
Van der Merwe JA
Carelse JA
Makaula AJA
Phatshoane AJA

COURT C

18. Isak Cornelius Malherbe v The State

692/2021 (GP)

5 11 17 18 25

Dambuza JA
Nicholls JA
Tsoka AJA
Musi AJA
Salie-Hlophe AJA

Wednesday: 11 May 2022

COURT A

19. Afriforum NPC v Nelson Mandela Foundation Trust, The Minister of Justice and Correctional Services, The Department of Justice and Correctional Services,

The South African Human Rights Commission, Johannesburg Pride NPC (first amicus curiae) and Federasie van Afrikaanse Kultuurvereniginge NPC
371/2020 (GJ)

1 9 10 16 24

Maya P
Schippers JA
Plasket JA
Mabindla-Boqwana JA
Savage AJA

COURT B

20. Mmabasotho Christinah Olesitse N O and Tebogo Patrick Olesitse v The Minister of Police
470/2021 (GP)

4 5 11 21 25

Zondi JA
Dambuza JA
Nicholls JA
Makaula AJA
Salie-Hlophe AJA

COURT C

21. Thembinkosi Mekuto v The State
1120/2020 (WCC)

7 12 15 17 18

Molemela JA
Gorven JA
Hughes JA
Tsoka AJA
Musi AJA

Thursday: 12 May 2022

COURT A

22. Capital Appreciation Limited v First National Nominees (Pty) Limited, Nedbank Limited and Rozendal Partners (Pty) Limited
280/2021 (GJ)

3 10 11 17 23

Ponnan JA
Plasket JA
Nicholls JA
Tsoka AJA
Phatshoane AJA

Friday: 13 May 2022

COURT A

**23. Naka Diamond Mining (Pty) Limited v Johannes Frederick Klopper N O,
Rynette Pieters N O and Southern Diamonds (Pty) Limited
277/2021 (GJ)**

5 12 14 16 24

Dambuza JA
Gorven JA
Mothle JA
Mabindla-Boqwana JA
Savage AJA

COURT B

**24. Minister of Police, Gezani Michael Chabalala, Sello Chauke and Simphiwe
Lawrence Danti v Samuel Molokwane
730/2021 (GP)**

6 8 9 18 21

Van der Merwe JA
Makgoka JA
Schippers JA
Musi AJA
Makaula AJA

COURT C

**25. Frederick Cornelius Botha v The State
546/2021 (GP)**

7 13 15 19 25

Molemela JA
Carelse JA
Hughes JA
Meyer AJA
Salie-Hlophe AJA

Monday: 16 May 2022

COURT A

**26. Avril Edith Diljan v The Minister of Police
746/2021 (GP)**

2 12 16 21 23

Petse DP
Gorven JA
Mabindla-Boqwana JA
Makaula AJA
Phatshoane AJA

COURT B

27. A Penglides (Pty) Ltd and Tuna South Africa (Pty) Ltd v The Minister of Agriculture, Forestry and Fisheries and The Deputy Director General of the Fisheries Branch of the Department of Agriculture, Forestry and Fisheries
298/2021 (WCC)

3 5 9 11 14

Ponnan JA
Dambuza JA
Schippers JA
Nicholls JA
Mothle JA

COURT C

28. Tshioma Matamela v David Masilo Mulaudzi
475/2021 (LT)

4 13 15 17 24

Zondi JA
Carelse JA
Hughes JA
Tsoka AJA
Savage AJA

Tuesday: 17 May 2022

COURT A

29. Cochrane Steel Products (Pty) Limited v Jumalu Fencing (Pty) Limited
166/2021 (GJ)

1 8 12 19 20

Maya P
Makgoka JA
Gorven JA
Meyer AJA
Matojane AJA

COURT B

30. The Commissioner for the South African Revenue Service v Candice-Jean van der Merwe
211/2021 (WCC)

6 7 10 18 25

Van der Merwe JA
Molemela JA
Plasket JA
Musi AJA
Salie-Hlophe AJA

Wednesday: 18 May 2022

COURT A

31. Open Horizon Ltd v Carnilinx (Pty) Ltd

225/2021 (GP)

☐ 3 4 8 16 19

Ponnan JA
Zondi JA
Makgoka JA
Mabindla-Boqwana JA
Meyer AJA

COURT B**32. Dumisani Voyisile Tsobo v Bridgitta Matseliso Tsobo****287/2021 (FB)****5 11 15 22 24**

Dambuza JA
Nicholls JA
Hughes JA
Smith AJA
Savage AJA

COURT C**33. Adrian Paul Barnes v Mangaung Metropolitan Municipality and Ketsebae****Israel Kgamanyane****996/2020 (FB)****6 7 9 12 21**

Van der Merwe JA
Molemela JA
Schippers JA
Gorven JA
Makaula AJA

Thursday: 19 May 2022

COURT A**34. Minister of Police v Pierre Christo van der Watt and The Sherriff, Pretoria****Central****1009/2021 (GP)****2 10 14 17 25**

Petse DP
Plasket JA
Mothle JA
Tsoka AJA
Salie-Hlophe AJA

COURT B**35. Marthinus Jacobus Koen, Marthinus Jacobus Koen N O, Johan van Rooyen N O (As Trustees of Koens Besigheids Trust), Marthinus Jacobus Koen N O, Johan van Rooyen N O (As Trustees of Koens Familie Trust), Marthinus Jacobus**

Koen N O, Johan van Rooyen N O, Iris Ismay Koen N O (As Trustees of Bulhoek Trust) and Olivia Wildplaas CC v Iris Ismay Koen (nee Bennet)
360/2021 (FB)

4 9 16 20 22

Zondi JA
Schippers JA
Mabindla-Boqwana JA
Matojane AJA
Smith AJA

COURT C

36. Imbuko Wines (Pty) Ltd v Reference Audio CC
405/2021 (GJ)

5 8 11 13 18

Dambuza JA
Makgoka JA
Nicholls JA
Carelse JA
Musi AJA

Friday: 20 May 2022

COURT A

37. Minister of Social Development, MEC for Social Development, Eastern Cape, MEC for Social Development, Gauteng, MEC for Social Development, Free State, MEC for Social Development, KwaZulu-Natal, MEC for Social Development, Limpopo, MEC for Social Development, Mpumalanga, MEC for Social Development, Northern Cape, MEC for Social Development, North West v SA Childcare (Pty) Ltd, Centre for Early Childhood Development NPC, Reverend Tembela Magadla, Busy Bee Creche and Play School, Soshanguve for Early Childhood Development Forum, Bonang Day Care Centre, Communities, Children and Responsible Care Organisation, Feed the Babies Fund and Minister of Finance
71/2021 (GP)

3 10 15 17 24

Ponnan JA
Plasket JA
Hughes JA
Tsoka AJA
Savage AJA

COURT B

38. MAL Frantzen v Road Accident Fund
331/2021 (GP)

4 13 16 19 23

Zondi JA
Carelse JA
Mabindla-Boqwana JA
Meyer AJA
Phatshoane AJA

COURT C

39. Alert Steel (Pty) Limited (In Liquidation) v Mercantile Bank Limited
165/2021 (GJ)

6 7 9 18 20

Van der Merwe JA
Molemela JA
Schippers JA
Musi AJA
Matojane AJA

Monday: 23 May 2022

COURT A

40. Engen Petroleum Limited v Flotank Transport (Pty) Limited
876/2020 (NCK)

1 4 8 19 24

Maya P
Zondi JA
Makgoka JA
Meyer AJA
Savage AJA

COURT B

41. The Memorable Order of Tin Hats (M.O.T.H) v Kenneth Paul Els
488/2021 (GJ)

10 13 15 21 22

Plasket JA
Carelse JA
Hughes JA
Makaula AJA
Smith AJA

Tuesday: 24 May 2022

COURT A

42. Tsogo Sun Caledon (Pty) Limited, West Coast Leisure (Pty) Limited, Garden Route Casino (Pty) Limited and Vukani Gaming Western Cape (Pty) Limited v Western Cape Gambling and Racing Board and the Chairperson of the Western Cape Gambling and Racing Board
89/2021 (WCC)

2 4 12 16 18

Petse DP
Zondi JA
Gorven JA
Mabindla-Boqwana JA
Musi AJA

COURT B

43. The Commissioner for the South African Revenue Service, The Minister of Trade, Industry and Competition, The South African Apparel Association, Apparel and Textile Association of South Africa and the Southern African Clothing and Textile Workers Union v Dragon Freight (Pty) Ltd, Tian Le Trading Enterprise CC, New Feeling Fashion Design (Pty) Ltd, Tingting Secret Beauty (Pty) Ltd, Hiq Pacific Trading CC, FFB Import-Export and Calla Trading (Pty) Ltd

751/2021 (GP)

9 10 15 17 25

Schippers JA
Plasket JA
Hughes JA
Tsoka AJA
Salie-Hlophe AJA

Wednesday: 25 May 2022

COURT A

44. The National Credit Regulator v Dacup Finances CC t/a ABC Financial Services – Pinetown and The National Consumer Tribunal

382/2021 (GP)

8 11 12 23 24

Makgoka JA
Nicholls JA
Gorven JA
Phatshoane AJA
Savage AJA

Thursday: 26 May 2022

COURT A

45. City of Ekurhuleni Metropolitan Municipality v Takubiza Trading & Projects (registration no. 2009/019471/23), Zutari (Pty) Ltd (registration no. 1977/003711/07) and Ntiyiso Consulting (Pty) Ltd (registration no. 2018/560868/07)

846/2021 (GJ)

3 16 19 20 23

Ponnan JA
Mabindla-Boqwana JA
Meyer AJA
Matojane AJA
Phatshoane AJA

COURT B

46. Numacon (Pty) Ltd, Michael Ioannou, Adam Bhayat N O, Rashida Bhayat N O, Ruchsana Bhayat N O, Gadija Bhayat N O, Hyman Bruk N O (in their capacities as Trustees for the time being of Bhayat Mohammed Family Trust No IT 3110/94), Vrees Investments (Pty) Ltd, and 15 Others v Herwig Tillo Cornelius Leleu N O and Marleen Augusta Marie Leleu (in their capacities as Co-trustees of the HTC Leleu Family Trust No IT2711/03)

321/2021 (GJ)

4 5 10 14 25

Zondi JA
Dambuza JA
Plasket JA
Mothle JA
Salie-Hlophe AJA

Friday: 27 May 2022

COURT A

47. Minister of Justice and Correctional Services, The National Commissioner of Correctional Services and The Head of Correctional Centre, Johannesburg ‘Medium C’ v Mbalenhle Sidney Ntuli

539/20 (GJ)

5 7 12 19 20

Dambuza JA
Molemela JA
Gorven JA
Meyer AJA
Matojane AJA

Monday: 30 May 2022

Tuesday: 31 May 2022

COURT A

48. Advocate Lindon Clifford Leysath v The Legal Practitioners’ Fidelity Fund Board of Control on behalf of the Legal Practitioners’ Fidelity Fund previously

known as the Attorneys Fidelity Fund Board of Control and the Attorneys Fidelity Fund

770/2021 (GP)

2 4 16 22 24

Petse DP
Zondi JA
Mabindla-Boqwana JA
Smith AJA
Savage AJA