

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

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



**FINAL ROLL
AUG/SEPT 2022
(01 September 2022)**

JUDGES - AUG/SEPT 2022

- 1 Petse AP
- 2 Dambuza ADP
- 3 Ponnann JA
- 4 Zondi JA
- 5 Van der Merwe JA
- 6 Molemela JA
- 7 Makgoka JA
- 8 Plasket JA
- 9 Gorven JA
- 10 Mothle JA
- 11 Hughes JA
- 12 Mabindla-Boqwana JA
- 13 Musi AJA
- 14 Basson AJA
- 15 Kgoele AJA
- 16 Makaula AJA
- 17 Weiner AJA
- 18 Goosen AJA
- 19 Daffue AJA
- 20 Molefe AJA
- 21 Windell AJA
- 22 Chetty AJA
- 23 Salie-Hlophe AJA
- 24 Masipa AJA
- 25 Siwendu AJA

Monday: 15 August 2022

COURT A

1. National Commissioner of Correctional Services and Another v Democratic Alliance and 05 Others

033/2022 (GP)

4 7 8 12 18

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

COURT B

2. Minister of Transport v The Road Accident Fund, Chairperson of the Board of the Road Accident Fund, Acting Chief Executive Officer of the Road Accident Fund, Fouriefismer Incorporated, LindsayKeller Attorneys, Pretoria Attorneys' Association and Maponya Incorporated

1082/2020 (to be heard with 1147/2020) (GP)

3 9 13 16 24

Zondi JA
Gorven JA
Musi AJA
Makaula AJA
Masipa AJA

AND

3. Road Accident Fund, The Chairperson of the Board of the Road Accident Fund and the Chief Executive Officer of the Road Accident Fund v FourieFismer Incorporated, LindsayKeller Attorneys, Pretoria Attorneys Association and Maponya Incorporated

1147/2020 (to be heard with 1082/2020) (GP)

3 9 13 16 24

Zondi JA
Gorven JA
Musi AJA
Makaula AJA
Masipa AJA

COURT C

**4. Nyamukamadi Mukumela Denga, Matidza Kutama (Born Mabirimisa), Mabirimisa Rudzani Polinah, Mabirimisa Nditsheni Ozious, Mabirimisa Masindi Constance, Mabirimisa Mawihangwisi Elsina, Mabirimisa Muvhulawa v Mabirimisa Tshililo Arnold N O, Estate Late Denga (Mabirimisa) Mudsielwane Josiah, Mabirimisa Bus Services (Pty) Ltd, Mabirimisa Ndivhudzannyi Silas, Denga Denga, Matsheketsheke Munyadziwa, Raphalalani Tshililo Salphina, Ramushuwana Anna, Mabirimisa Frans, Estate Officer Dzanani Magistrates Court N O, Magistrate Dzanani, Minister of Justice and Constitutional Development N O, Master of the High Court of South Africa, Limpopo Local Division, Thohoyandou N O Registrar of Companies
1296/2021 (LP)**

5 6 11 19 22

Van der Merwe JA
Molemela JA
Hughes JA
Daffue AJA
Chetty AJA

Tuesday: 16 August 2022

COURT A

**5. Minister of International Relations and Cooperation, Director-General: Department of International Relations and Cooperation and Department of International Relations and Cooperation v Simeka Group (Pty) Ltd, Regiments Capital (Pty) Ltd, Lemascene (Pty) Ltd, Serendipity Investments SA LLC and Simeka Investment Group (Pty) Ltd
610/2021 (GP)**

1 7 10 15 21

Petse DP
Makgoka JA
Mothle JA
Kgoele AJA
Windell AJA

COURT B

**6. Zurich Insurance Company South Africa Limited v Gauteng Provincial Government
734/2021 (GJ)**

2 8 14 17 25

Ponnan JA
Plasket JA
Basson AJA
Weiner AJA
Siwendu AJA

Wednesday: 17 August 2022

COURT A**7. Banele Bafo Nhlapo v The State****835/2021 (GP)****1 10 11 22 25**

Petse DP
Mothle JA
Hughes JA
Chetty AJA
Siwendu AJA

COURT B**8. Cecilia Susanna Botha (born Cornelius, previously Combrink) v David Hercules Botha****820/2021 (GP)****5 6 15 23 24**

Van der Merwe JA
Molemela JA
Kgoele AJA
Salie-Hlophe AJA
Masipa AJA

COURT C**9. Earl Craig Classen and Ellister Alfredo Jansen v The State****803/2021 (GJ)****7 12 13 16 18**

Makgoka JA
Mabindla-Boqwana JA
Musi AJA
Makaula AJA
Goosen AJA

Thursday: 18 August 2022**COURT A****10. Nivesh Sewlall v Jerusha Naidoo****506/2021 (GP)****2 11 12 13 18**

Ponnan JA
Hughes JA
Mabindla-Boqwana JA
Musi AJA
Goosen AJA

COURT B**11. Sphelele Goodman v The State**

466/2021 (KZP)

3 17 20

Zondi JA
Weiner AJA
Molefe AJA

COURT C

**12. Member of the Executive Council for Health of the Limpopo Provincial Government v LW Mokgotho obo D Mokgotho
502/2021 (GP)**

5 6 9 19 23

Van der Merwe JA
Molemela JA
Gorven JA
Daffue AJA
Salie-Hlophe AJA

Friday: 19 August 2021

COURT A

**13. Paulus Lepekola Samuels v South African Legal Practice Council (formerly the Law Society of the Northern Provinces)
1112/2021 (GP)**

1 10 19 21 25

Petse DP
Mothle JA
Daffue AJA
Windell AJA
Siwendu AJA

COURT B

**14. Helen Suzman Foundation v The Speaker of the National Assembly, The President of the Republic of South Africa, The Cabinet of the Republic of South Africa, Chairperson of the National Council of Provinces and the Minister of Cooperative Governance and Traditional Affairs
484/2021 (GP)**

4 8 12 14 22

Dambuza JA
Plasket JA
Mabindla-Boqwana JA
Basson AJA
Chetty AJA

Monday: 22 August 2022

COURT A

15. Name of ship: MV ‘Tarik III’: Credit Europe Bank N V v The Fund Comprising the Proceeds of the sale of the MV Tarik III, Seven Seas Ship Chandlers L L C, Jupiter Shipping and Trading Ltd, Bilge Gida Kumanyacilik SAN. VE TIC, Arkas Petrol Urunleri VE Ticaret A S, Damen Schelde Marine Services B V, Marichem Marigases Limited, KPI Bridge Oil Limited, Bryval Co Ltd trading as Zeba Marine and Monjasa DMCC and Others

1294/2021 (KZD)

2 3 9 16 22

Ponnan JA
Zondi JA
Gorven JA
Makaula AJA
Chetty AJA

COURT B

16. N’wandlamhari Communal Property Association and MalaMala Game Reserve (Pty) Ltd v Helen Lynne Westcott, Caroline Clare Cormack, Rodrick Anton Beaumont and Michael Hemingford Beaumont

401/2021 (MMB)

5 10 13 15 17

Van der Merwe JA
Mothle JA
Musi AJA
Kgoele AJA
Weiner AJA

Tuesday: 23 August 2022

COURT A

17. Commissioner for the South African Revenue Service v Medtronic International Trading S.A.R.L

456/2021 (GP)

1 7 17 18 21

Petse DP
Makgoka JA
Weiner AJA
Goosen AJA
Windell AJA

COURT B

18. Dr F C Louw v Dr A S Patel

245/2021 (GJ)

4 6 9 14 24

Dambuza JA
Molemela JA
Gorven JA

Basson AJA
Masipa AJA

Wednesday: 24 August 2022

COURT A

19. James Matodzi Nesongozwi v The Commissioner for the South African Revenue Service

838/2021 (GJ)

2 7 8 17 21

Ponnan JA
Makgoka JA
Plasket JA
Weiner AJA
Windell AJA

COURT B

20. Etienne Jacques Naude and Louis Pasteur Hospital Holdings (Pty) Ltd v Louis Pasteur Medical Investments (Pty) Ltd, First Clinic Properties One Limited and various other parties (third to 47th respondents)

31/2021 (GP)

4 6 11 18 25

Zondi JA
Molemela JA
Hughes JA
Goosen AJA
Siwendu AJA

COURT C

21. Morganambal Mannaru and Body Corporate of Kings Avenue No 1 v Robert McLennan-Smith, Paige McLennan-Smith, Leith Ross Cawcutt and Registrar of Deeds KwaZulu- Natal N O

271/2021 (KZD)

5 10 12 20 24

Van der Merwe JA
Mothle JA
Mabindla-Boqwana JA
Molefe AJA
Masipa AJA

Thursday: 25 August 2022

COURT A

22. Imperial Logistics Advance (Pty) Ltd v Remnant Wealth Holdings (Pty) Ltd
326/2021 (GP)

3 8 12 19 25

Zondi JA
Plasket JA
Mabindla-Boqwana JA
Daffue AJA
Siwendu AJA

COURT B

23. MEC for Economic Development, Environment and Tourism: Limpopo v Sello Reuben Leboho
87/2021 (LP)

9 10 11 15 16

Gorven JA
Mothle JA
Hughes JA
Kgoele AJA
Makaula AJA

Friday: 26 August 2022

COURT A

24. Siyangena Technologies (Pty) Ltd v Passenger Rail Agency of South Africa, Retired Justice Ezra Goldstein and Retired Justice Meyer Joffe and #Unitedbehind (*Amicus Curiae* admitted in the Gauteng Division of the High Court)
487/2021 (GP)

2 5 8 22 23

Ponnan JA
Van der Merwe JA
Plasket JA
Chetty AJA
Salie-Hlophe AJA

Monday: 29 August 2022

COURT A

25. Samancor Chrome Limited v Bila Civil Contractors (Pty) Ltd, Richard Fani Bila, Thomas Time Bila, Phindile Precious Khumalo and Elisamina Sibiya
159/2021 (GP)

1 3 11 12 19

Petse DP

Zondi JA
Hughes JA
Mabindla-Boqwana JA
Daffue AJA

COURT B

26. Southern Sky Hotel and Leisure (Pty) Ltd t/a Hans Merensky Hotel and Spa (In liquidation), Maryna Estelle Symes N O, Mustafa Mohamed N O, Johannes Zacharias Human Muller N O, Puleng Felicity Bodibe N O and Van Auctioneers Gauteng (Pty) Ltd v Southern Sky Food Enterprises (Pty) Ltd
617/2021 (GJ)

2 5 13 14 24

Ponnan JA
Van der Merwe JA
Musi AJA
Basson AJA
Masipa AJA

Tuesday: 30 August 2022

COURT A

27. Samancor Chrome Limited v Bila Civil Contractors (Pty) Ltd
810/2021 (GP)

1 3 12 19 23

Petse DP
Zondi JA
Mabindla-Boqwana JA
Daffue AJA
Salie-Hlophe AJA

COURT B

28. Samsung Electronics SA (Pty) Ltd v The Commissioner for the South African Revenue Service
764/2021 (GP)

2 8 11 20 25

Ponnan JA
Plasket JA
Hughes JA
Molefe AJA
Siwendu AJA

COURT C

29. Member of the Executive Council for the Department of Health, Eastern Cape Province v Babalwa Mbokodi
213/2021 (ECM)

4 6 7 18 22

Dambuza JA
Molemela JA
Makgoka JA
Goosen AJA
Chetty AJA

Wednesday: 31 August 2022

COURT A

**30. Roelof Louis Barry Slabbert N O, Joritha Welman N O and Helen Ruth Kroes N O
(In their capacities as the duly appointed joint trustees of the Venezia Trust IT
1817/96)) v Ma-Afrika Hotels (Pty) Ltd t/a Rivierbos Guest House
772/2021 (WCC)**

6 7 9 15 18

Molemela JA
Makgoka JA
Gorven JA
Kgoele AJA
Goosen AJA

Thursday: 1 September 2022

COURT A

**31. Greater Tzaneen Municipality v Bravospan 252 CC
428/2021 (LP)**

4 5 11 20 22

Zondi JA
Van der Merwe JA
Hughes JA
Molefe AJA
Chetty AJA

Friday: 2 September 2022

COURT A

**32. Golden Fried Chicken (Pty) Ltd v Dino Vlachos and Soul Souvlaki (Pty) Ltd
497/2021 (GJ)**

1 7 9 12 14

Petse AP
Makgoka JA
Gorven JA
Mabindla-Boqwana JA
Basson AJA

COURT B

**33. The Commissioner for the South African Revenue Services v The Thistle Trust
516/2021 (Tax Court GP)**

2 5 11 18 19

Dambuza ADP
Van der Merwe JA
Hughes JA
Goosen AJA
Daffue AJA

COURT C

**34. Snowy Owl Properties 284 (Pty) Ltd v Mziki Share Block Limited
886/2021 (KZP)**

4 10 15 16 21

Zondi JA
Mothle JA
Kgoele AJA
Makaula AJA
Windell AJA

Monday: 5 September 2022

COURT A

**35. Compensation Solutions (Pty) Ltd v The Compensation Commissioner and The
Director-General, Department of Labour of the National Government of the Republic
of South Africa
1175/2021 (GP)**

3 5 10 18 19

Ponnan JA
Van der Merwe JA
Mothle JA
Goosen AJA
Daffue AJA

AND

**36. The Compensation Commissioner, The Director-General of the Department of
Labour of the National Government of the Republic of South Africa and the Minister
of Labour v Compensation Solutions (Pty) Ltd
997/2021 (GP)**

3 5 10 18 19

Ponnan JA
Van der Merwe JA
Mothle JA
Goosen AJA
Daffue AJA

COURT B

37. Coral Lagoon Investments 194 (Pty) Ltd and Ash Brook Investments 15 (Pty) Ltd v Capitec Bank Holdings

887/2021 (WCC)

4 9 11 21 22

Zondi JA
Gorven JA
Hughes JA
Windell AJA
Chetty AJA

COURT C

38. Keyhealth Medical Scheme v Glopin (Pty) Ltd

1265/2021 (GP)

6 8 12 17 24

Molemela JA
Plasket JA
Mabindla-Boqwana JA
Weiner AJA
Masipa AJA

Tuesday: 6 September 2022

COURT A

39. Dart Industries Incorporated and Tupperware Southern Africa (Pty) Ltd v Botle Buhle Brands (Pty) Ltd and the Companies and Intellectual Property Commission

636/2021 (GP)

2 7 9 18 24

Dambuza ADP
Makgoka JA
Gorven JA
Goosen AJA
Masipa AJA

Wednesday: 7 September 2022

COURT A

40. Blucher Hauman Mellet N O, Hendrik Francois Mellet N O and Carolina Johanna Prinsloo N O (in their capacities as trustees of the Blucher Mellet Family Trust IT780/1998) v Marais Rocco Vermeulen and Evan Ernest Corbett

1049/2021 (FB)

1 7 8 16 24

Petse AP
Makgoka JA
Plasket JA
Makaula AJA
Masipa AJA

COURT B

41. Land and Agricultural Bank of South Africa v The Minister of Rural Development and Land Reform, Mooville (Pty) Ltd, Willem Jansen van Vuuren, CPAD Farm Holdings, Mongesi Alfred Mde, The National Director of Public Prosecutions, Mike Timkoe Trustees CC, Donald George Duke Jackson, The Master of the High Court and Registrar of Deeds, Cape Town

1174/2021 (ECG)

3 5 12 20 25

Ponnan JA
Van der Merwe JA
Mabindla-Boqwana JA
Molefe AJA
Siwendu AJA

Thursday: 8 September 2022

COURT A

42. The Commissioner for the South African Revenue Service v Airports Company of South Africa

785/2021 (GJ)

3 11 14 17 21

Ponnan JA
Hughes JA
Basson AJA
Weiner AJA
Windell AJA

COURT B

43. The Democratic Alliance v Johann Wichardt Greyling Brummer

793/2021 (WCC)

4 6 10 13 18

Zondi JA
Molemela JA
Mothle JA
Musi AJA
Goosen AJA

Friday: 9 September 2022

COURT A

44. Mobile Telephone Networks (Pty) Ltd v The Commissioner for the South African Revenue Service

855/2021 (GP)

2 7 9 17 23

Dambuza ADP
Makgoka JA
Gorven JA
Weiner AJA
Salie-Hlophe AJA

COURT B

45. Peter John Kuttel v The Master of the High Court (Western Cape Division), Joy Kuttel N O, John Adrian Levin N O, Francois Paul Kuttel N O, Adrian Christopher Kuttel N O, Barry Lynton Adams N O (in their capacities as trustees for the time being of the Padjoy Trust Registration No T42/81), Grace Investments Thirty Two (Pty) Limited and Southern Ropes (Pty) Limited

819/2021 (WCC)

5 6 8 13 15

Van der Merwe JA
Molemela JA
Plasket JA
Musi AJA
Kgoele AJA

Monday: 12 September 2022

COURT A

46. Mazars Recovery & Restructuring (Pty) Ltd, Fenwick Neil Miller, Byron Norman Chevalier and Stuart Daniel Terblanche v Montic Dairy (Pty) Ltd (in Liquidation), Peter Charles Bothomley N O, Salim Ismail Ganie N O and Ethne Mary van Wyk N O

526/2021 (WCC)

3 7 9 11 22

Ponnan JA
Makgoka JA
Gorven JA
Hughes JA
Chetty AJA

COURT B**47. Datacentrix (Pty) Ltd v O-Line (Pty) Ltd**

891/2021 (GP)

4 6 8 12 16

Zondi JA
Molemela JA
Plasket JA
Mabindla-Boqwana JA
Makaula AJA

Tuesday: 13 September 2022

COURT A

**48. Van Wyk van Heerden Attorneys Incorporated v Stephen Malcolm Gore N O and Selby Musawenkosi Ntsibande N O (in their capacities as duly appointed joint liquidators of Brandstock Exchange (Pty) Ltd (in Liquidation) Master's Reference No C428/2018)
828/2021 (WCC)**

5 7 9 18 24

Van der Merwe JA
Makgoka JA
Gorven JA
Goosen AJA
Masipa AJA

COURT B

**49. Modimolle-Mookgophong Local Municipality v CXMI (Pty) Ltd and Advocate G Malindi N O
658/2021 (GP)**

10 11 15 17 19

Mothle JA
Hughes JA
Kgoele JA
Weiner AJA
Daffue AJA

Wednesday: 14 September 2022

COURT A

**50. Deon Nel v Petrus Jacobus de Beer and Pieter Hendrik Jacobus Burger N O (in his capacity as the duly appointed executor of the Estate of the late Bendine Adriana de Beer)
406/2021 (GP)**

4 6 8 12 13

Zondi JA
Molemela JA
Plasket JA
Mabindla-Boqwana JA
Musi AJA

Thursday: 15 September 2022

COURT A

51. Izak Frederick Spangenberg, Maria Cornelia van der Westhuizen and Christina Aletta W LA Cock v Frankel Engelbrecht N O

717/2021 (NCK)

1 13 15 17 19

Petse AP
Musi AJA
Kgoele AJA
Weiner AJA
Daffue AJA

COURT B

52. Lebashe Financial Services (Pty) Ltd v The Prudential Authority, Bophelo Life Insurance Company Limited, Nzalo Insurance Services Limited, True South Actuaries and Consultants (Pty) Ltd, Francois Hugo N O, Paul Zondagh N O, The Financial Sector Conduct Authority and the Transport Sector Retirement Fund

346/2021 (GJ)

3 5 10 14 21

Ponnan JA
Van der Merwe JA
Mothle JA
Basson AJA
Windell AJA

Friday: 16 September 2022

COURT A

53. Cenprop Real Estate (Pty) Ltd and Naheel Investments (Pty) Ltd v Nicolene Holtzhauzen

520/2021 (WCC)

4 6 12 20 23

Zondi JA
Molemela JA
Mabindla-Boqwana JA
Molefe AJA
Salie-Hlophe AJA

COURT B

54. Louis Alan N O, Louis Brian William N O and Cloete Louis Jacobus N O v Glaum Trevor Phillip, Louis Group SA (Pty) Ltd (In business rescue), Companies and Intellectual Property Commission, Dole South Africa (Pty) Ltd, SAAD Fund Management (Pty) Ltd, The Trustees for the Time Being of the LGCF Trust, De Witt D J C, The Standard Bank of South Africa Ltd, Ukusola Trading & Investments (Pty) Ltd and Neethling A C

598/21 (WCC)

5 8 11 14 25

Van der Merwe JA

Plasket JA
Hughes JA
Basson AJA
Siwendu AJA

Monday: 19 September 2022

COURT A

55. Madrasah Taleemuddeen Islamic Institute v Chandra Giri Ellaurie and eThekwini Municipality

755/2021 (KZD)

2 9 11 13 19

Dambuza ADP
Gorven JA
Hughes JA
Musi AJA
Daffue AJA

Tuesday: 20 September 2022

COURT A

COURT B

COURT C

Wednesday: 21 September 2022

COURT A

COURT B

COURT C

Thursday: 22 September 2022

COURT A

COURT B

COURT C

Friday: 23 September 2022

COURT A

COURT B

COURT C

Monday: 26 September 2022

COURT A

COURT B

COURT C

Tuesday: 27 September 2022

COURT A

COURT B

COURT C

Wednesday: 28 September 2022

COURT A

COURT B

COURT C

Thursday: 29 September 2022

COURT A

COURT B

COURT C

Friday: 30 September 2022

COURT A

COURT B

COURT C