

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

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



**FINAL ROLL
NOVEMBER 2022**
(28 September 2022)

JUDGES - NOVEMBER 2022

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

COURT A

**1. Democratic Alliance v Ntombenhle Rulumeni
88/2021 (ECL)**

8 10 14 19 22

Makgoka JA
Nicholls JA
Hughes JA
Goosen AJA
Salie-Hlophe AJA

COURT B

**2. Vincent Harold Esau v SJJMC Property (Pty) Ltd, Mark Harris Attorneys Incorporated, Sheriff of the High Court, Roodepoort North, City of Johannesburg and Registrar of Deeds, Johannesburg
261/2020 (GJ)**

7 13 17 24 25

Molemela JA
Mothle JA
Basson AJA
Masipa AJA
Siwendu AJA

COURT C

**3. Meshack Mapholisa N O v Adv K I A Phetoe N O, Prof S M Dawjee N O, Dr J Basson N O, Dr M N Mabasa N O, Ms Chokoe N O, Ms D P Mthimunye-Hluyo N O, Dr Miller, Health Professions Council of South Africa, Malinda Miller and Violet Gaolebalwe Senna
163/2021 (GP)**

9 15 20 21 23

Plasket JA
Mabindla-Boqwana JA
Windell AJA
Chetty AJA
Mali AJA

Wednesday: 2 November 2022

COURT A

4. Thandi Caroline Dhlamini v Schumann Van Der Heever & Slabbert INC, Jakkie Supra, Izak Bosman, Azelle Kleinen, Jacobus Johannes Slabbert, The Legal Practice Council, The Road Accident Fund and All persons with claims against the seventh

respondent prosecuted to finality by the first respondent within the 5 (five) years preceding this application

505/2021 (GJ)

2 12 15 17 24

Dambuza ADP
Carelse JA
Mabindla-Boqwana JA
Basson AJA
Masipa AJA

COURT B

5. **Goldrush Group (Pty) Ltd v North West Gambling Board, Member of the Executive Council for Economy and Enterprise Development North West Province, Santosat (Pty) Ltd, Santoscan (Pty) Ltd, Goldrush Slots Gaming North West (Pty) Ltd, Sangro Holdings 1 (Pty) Ltd, Phokong Investments and Projects (Pty) Ltd, K201985410 (South Africa) (Pty) Ltd, Edith Mamotse Mphatse and Mpho Radikojana**

648/21 (NWM)

3 11 14 18 19

Ponnan JA
Gorven JA
Hughes JA
Mjali AJA
Goosen AJA

COURT C

6. **Sabelo Vusumzi Macingwane v Isaac Ntshireletsa Masekwameng, Sonyosi Stephens Sikhosana, Sekwamo Gilbert Mosena, Teme Emmanuel Letsoela, Motsepe Ramotse Donald Matlala, Persons appearing on Annexure SMV1 and National African Federated Chamber of Commerce and Industry**

626/2021 (GJ)

4 5 7 20 21

Zondi JA
Van der Merwe JA
Molemela JA
Windell AJA
Chetty AJA

Thursday: 3 November 2022

COURT A

7. Margot Berzack v Huntrex 277 (Pty) Ltd, the Registrar of Deeds and City of Cape Town Municipality

210/21 (WCC)

1 7 9 16 19

Petse AP
Molemela JA
Plasket JA
Nhlangulela AJA
Goosen AJA

COURT B

8. Bosasa Youth Development Centres (Pty) Ltd (In liquidation), Ralph Farrel Lutchman N O, Cloete Murray N O, Ofentse Andrew Nong N O and Tshepo Harry Ngoyane N O v Lulama Smuts Ngonyama, Thundercats Investments 92 (Pty) Ltd, Ntsimbintle Holdings (Pty) Ltd and Jared Watson N O

773/2021 (GJ)

3 4 15 18 21

Ponnan JA
Zondi JA
Mabindla-Boqwana JA
Mjali AJA
Chetty AJA

COURT C

9. Platteloof RMS Boedery (Pty) Ltd v Dahlia Investment Holding (Pty) Ltd

667/2021 (WCC)

5 12 13 20 23

Van der Merwe JA
Carelse JA
Mothle JA
Windell AJA
Mali AJA

Friday: 4 November 2022

COURT A

10. Vantage Goldfields SA (Pty) Ltd, Vantage Goldfields (Pty) Ltd (in business rescue) and Lombard Insurance Company Limited v Arqomanzi (Pty) Ltd

1302/2021 and 1272/2021 (MMB)

2 7 11 20 21

Dambuza ADP
Molemela JA
Gorven JA
Windell AJA
Chetty AJA

COURT B

11. Constantia Insurance Company Limited v The Master of the High Court, Johannesburg, Van der Heever Wilhelm Theodore N O, Koka Jerry Sekete N O and The Minister of Trade and Industry
512/2021 (GJ)

5 9 12 17 22

Van der Merwe JA
Plasket JA
Carelse JA
Basson AJA
Salie-Hlophe AJA

COURT C

12. The Road Accident Fund v Mpolokeng Mary Kedibone OBO, MK, MT and Centre for Child Law (Amicus Curiae)
1102/2021 (GJ)

8 13 14 16 23

Makgoka JA
Mothle JA
Hughes JA
Nhlangulela AJA
Mali AJA

Monday: 7 November 2022

COURT A

13. Ezulwini Mining Company (Pty) Ltd v Minister of Mineral Resources and Energy, Minister of Environment, Forestry and Fisheries, Minister of Human Settlements, Water and Sanitation, Regional Manager, Mineral Regulation, Gauteng Region, Department of Mineral Resources, GFI Joint Venture Holdings (Pty) Ltd, Gold Fields Operation Limited and Lucky Farms Partnership
289/2021 (GP)

1 7 8 17 19

Petse AP
Molemela JA
Makgoka JA
Basson AJA
Goosen AJA

COURT B

14. Martina Christina Catherina Wulffers v Boxer Dale Holdings (Pty) Ltd, Henry Anthony Klitsie and Anton Heinrich Genade
1224/2021 (ECP)

3 9 15 16 20

Ponnan JA
Plasket JA
Mabindla-Boqwana JA
Nhlangulela AJA
Windell AJA

COURT C

15. Raymond Daniel de Villiers v The State
996/2021 (FB)

4 10 13 18 24

Zondi JA
Nicholls JA
Mothle JA
Mjali AJA
Masipa AJA

AND

16. Zwelithini Maxwell Zondi v the State
1232/2021 (GJ)

4 10 13 18 24

Zondi JA
Nicholls JA
Mothle JA
Mjali AJA
Masipa AJA

Tuesday: 8 November 2022

COURT A

17. Shoprite Checkers (Pty) Ltd v Cecil Tshepo Mokopane Mafate (in his capacity as curator ad litem to Mkwhanazi Nounga)
903/2021 (GJ)

1 6 12 16 21

Petse AP
Mocumie JA
Carelse JA
Nhlangulela AJA
Chetty AJA

COURT B

18. John Henry Steenhuisen, MP and Kevin Mileham, MP v David Douglas Des Van Rooyen, The Office of the Public Protector, The Public Protector and President of the Republic of South Africa

611/2021 (GP)

2 4 9 11 22

Dambuza ADP
Zondi JA
Plasket JA
Gorven JA
Salie-Hlophe AJA

COURT C

19. Pioneer Foods (Pty) Ltd v Eskom Holdings SOC Ltd, Walter Sisulu Local Municipality and National Energy Regulator of South Africa

325/2021 (GJ)

5 8 14 17 20

Van der Merwe JA
Makgoka JA
Hughes JA
Basson AJA
Windell AJA

Wednesday: 9 November 2022

COURT A

20. Eden Crescent Share Block Limited v Olive Marketing CC, eThekweni Municipality, Shepstone & Wylie, Anthony Maurice Scott, Geoffrey Norman Oldfield, Darryl Martin Schou, Jonathan Neil Berger, William Michael Simpson, Eden Crescent Share Block and Registrar of Deeds: KwaZulu-Natal

1075/2020 (KZD)

2 7 9 17 25

Dambuza ADP
Molemela JA
Plasket JA
Basson AJA
Siwendu AJA

COURT B

21. Enforced Investments (Pty) Ltd, Fatima Pereira Torres and John Robert Woodnut v Verifika Incorporated (Pty) Ltd and Bernard John Laferla

599/2021 (GJ)

3 8 11 16 22

Ponnan JA
Makgoka JA
Gorven JA
Nhlangulela AJA

COURT C

22. The Member of the Executive Council of Education: North West Province v Izak Boshoff Foster, Guillaume Henri Boshoff Foster, The Leopard Rugby Union and Kosh Sport & Trauma Services

471/2021 (GP)

5 6 12 19 24

Van der Merwe JA
Mocumie JA
Carelse JA
Goosen AJA
Masipa AJA

Thursday: 10 November 2022

COURT A

23. G Phadziri & Sons (Pty) Ltd v Do Light Transport (Pty) Ltd and The Department of Roads and Public Transport, Limpopo Province

765/2021 (LT)

1 6 8 22 25

Petse AP
Mocumie JA
Makgoka JA
Salie-Hlophe AJA
Siwendu AJA

COURT B

24. Nathalion Matshaba, Kabelo Aubrey Mafane, Lucas Stakie Ramaila and Tumelo Jeffrey Makofane v The State

829/2019 (LP)

4 10 12 20 24

Zondi JA
Nicholls JA
Carelse JA
Windell AJA
Masipa AJA

COURT C

25. Member of Executive Council Responsible for Local Government, Western Cape v Matzikama Local Municipality, Charl Strydom N O and Estelle Mynhardt N O

747/2021 (WCC)

9 14 15 17 23

Plasket JA
Hughes JA
Mabindla-Boqwana JA
Basson AJA
Mali AJA

Friday: 11 November 2022

COURT A

26. OCA Testing and Certification South Africa (Pty) Ltd v KCEC Engineering and Construction (Pty) Ltd and The Honourable Judge NP Willis N O
1266/2021 (GJ)

1 6 12 18 24

Petse AP
Mocumie JA
Carelse JA
Mjali AJA
Masipa AJA

COURT B

27. Cloete Murray N O, Thomas Christopher van Zyl N O, Raphael Grant Brink N O, Caron-Ann Schroeder N O in their capacity as joint liquidators of Cape Concentrate (Pty) Ltd (in liquidation) v Humansdorp Co-operative Limited
1274/2021 (ECG)

2 10 11 17 20

Dambuza ADP
Nicholls JA
Gorven JA
Basson AJA
Windell AJA

COURT C

28. DRDGOLD Limited and East Rand Propriety Mines Limited v Bongani Nkala, Siporono Phahlam, Maphatsoe Kompi, Thembekile Mnaheni, Matona Mabea, Mokholofu Boxwell, Alloys Mncedi Msuthu, Myekelwa Mkenyane, Masiko Somi, Zwelendaba Mgidi and Others
688/2016 (GJ)

3 5 7 13 22

Ponnan JA
Van der Merwe JA
Molemela JA
Mothle JA
Salie-Hlophe AJA

Monday: 14 November 2022

COURT A

29. South African Health Products Regulatory Authority and The Minister of Health v African Christian Democratic Party

869/2021 (GP)

1 8 9 20 23

Petse AP
Makgoka JA
Plasket JA
Windell AJA
Mali AJA

COURT B

30. City of Cape Town v Charnell Commando and ten respondents and others and Woodstock Hub (Pty) Ltd

1303/2021 (WCC)

4 10 15 19 25

Zondi JA
Nicholls JA
Mabindla-Boqwana JA
Goosen AJA
Siwendu AJA

COURT C

31. Simon Maila v The State

429/2022 (LP)

6 12 13 18 22

Mocumie JA
Carelse JA
Mothle JA
Mjali AJA
Salie-Hlophe AJA

Tuesday: 15 November 2022

COURT A

32. Member of the Executive Council for Health; Eastern Cape Province v Nompiliso Hosana obo Ayabulela Hosana

513/2021 (ECB)

2 6 12 21 22

Dambuza ADP
Mocumie JA
Carelse JA
Chetty AJA
Salie-Hlophe AJA

COURT B

33. Pacific Solar Technologies (Pty) Ltd v The Commissioner for the South African Revenue Service

715/2021 (GP)

3 11 15 17 24

Ponnan JA
Gorven JA
Mabindla-Boqwana JA
Basson AJA
Masipa AJA

COURT C

34. The Thaba Chweu Rural Forum and the appellants listed in annexure ‘A’ to the notice of appeal v The Thaba Chweu Local Municipality, The Speaker of the Municipal Council of Thaba Chweu Local Municipality and The Minicipal Manager of the Thaba Chweu Local Municipality

737/2021 (MMB)

7 10 13 23 25

Molemela JA
Nicholls JA
Mothle JA
Mali AJA
Siwendu AJA

Wednesday: 16 November 2022

COURT A

35. South African Reserve Bank and National Treasury v Johnine Winsome Elisie Maddocks N O and Amerasan Pillay N O

1268/2021 (KZD)

4 6 11 16 17

Zondi JA
Mocumie JA
Gorven JA
Nhlangulela AJA
Basson AJA

COURT B

36. Doctor Sudhir Mohun and Doctors G Sanpersad R Maharaj and Associates v Advocate Brett Kingsley Phillips N O on behalf of David Robin Shearer and Justine

Shearer in her personal capacity and on behalf of Declan Graham William Tindale and Keziah Rheeder
1219/2021 (KZP)

5 9 15 21 24

Van der Merwe JA
Plasket JA
Mabindla-Boqwana JA
Chetty AJA
Masipa AJA

COURT C

37. Wattrus Cynthia Lorraine v Tempelhoff Gerrit Pieter
867/2021 (GJ)

7 8 14 18 25

Molemela JA
Makgoka JA
Hughes JA
Mjali AJA
Siwendu AJA

Thursday: 17 November 2022

COURT A

38. Commissioner for the South African Revenue Service v Coronation Investment Management SA (Pty) Ltd
1269/2021 (Tax Court)

1 8 10 16 23

Petse AP
Makgoka JA
Nicholls JA
Nhlangulela AJA
Mali AJA

COURT B

39. Hendrik Pretorius Rautenbach In re: C H Financial Solutions CC (in Liquidation) v Lindsey Dallas-Orr
1220/2021 (WCC)

2 5 11 19 22

Dambuza ADP
Van der Merwe JA
Gorven JA
Goosen AJA
Salie-Hlophe AJA

COURT C

40. Modikwa Platinum Mine, an unincorporated joint venture between Rustenburg Platinum Mines Limited and Arm Mining Consortium Limited v Nkwe Platinum Limited, Genorah Resources (Pty) Ltd, The Regional Manager, Limpopo Region, Department of Mineral Resources and Energy, The Director-General: Mineral Regulation, Department of Mineral Resources and Energy, Minister of Mineral Resources and Energy and Minister of Agriculture, Land Reform and Rural Development
1333/2021 (LP)

3 7 12 14 21

Ponnan JA
Molemela JA
Carelse JA
Hughes JA
Chetty AJA

Friday: 18 November 2022

COURT A

41. Firstrand Bank Limited t/a First National Bank Registration Number 1929/001225/06 v Reuben Miller N O (cited in his capacity as joint liquidator of MEF Resources International (Pty) Ltd), Sean Mario Johnson N O (cited in his capacity as joint liquidator of MEF Resources International (Pty) Ltd), MEF Resources International (Pty) Ltd (in liquidation) Registration Number 2015/368063/07, Reuben Maphaha N O (cited in his capacity as Master of the High Court), Andries Jonathan Lategan Geyser (cited in his capacity as commissioner) and Frutarom South Africa (Pty) Ltd Registration Number 2007/029069/07
805/2021 (GJ)

1 4 9 18 23

Petse AP
Zondi JA
Plasket JA
Mjali AJA
Mali AJA

COURT B

42. In the ex parte application: Gaone Jack Siamisang Montshiwa
672/2021 (NWM)

2 5 10 21 25

Dambuza ADP
Van der Merwe JA
Nicholls JA

Chetty AJA
Siwendu AJA

COURT C

**43. The Commissioner for the South African Revenue Service and The Chairperson,
Excise Appeal Committee v Richards Bay Coal Terminal (Pty) Ltd
1299/2021 (KZD)**

3 6 11 14 19

Ponnan JA
Mocumie JA
Gorven JA
Hughes JA
Goosen AJA

Monday: 21 November 2022

COURT A

**44. MEC for the Department of Public Works, Eastern Cape and MEC for the
Department of Health, Eastern Cape v Ikamva Architects CC
544/2021 (ECG)**

5 11 17 20 22

Van der Merwe JA
Gorven JA
Basson AJA
Windell AJA
Salie-Hlophe AJA

COURT B

**45. Snowy Owl Properties 284 (Pty) Ltd v Norman Celliers and Mziki Share Block
Limited
1295/2021 (KZP)**

6 14 16 23 24

Mocumie JA
Hughes JA
Nhlangulela AJA
Mali AJA
Masipa AJA

COURT C

**46. Elrich Ruwayne Smith N O, Karin Fortuin N O and Maponya Lazarus Ledwaba N
O (in their capacities as joint liquidators of BZM Transport (Pty) Ltd (in liquidation)
Masters ref: B20/2019) v Wilhelm Frederik Engelbrecht
1221/2021 (FB)**

8 10 12 18 25

Makgoka JA
Nicholls JA
Carelse JA
Mjali AJA
Siwendu AJA

Tuesday: 22 November 2022

COURT A

47. The Western Cape Gambling and Racing Board and The Provincial Minister of Finance, Western Cape v Sunwest International (Pty) Ltd t/a Grandwest Casino & Entertainment World, Worcester Casino (Pty) Ltd t/a Golden Valley Casino & Lodge and The Eastern Cape Gambling Board (Amicus Curiae in the court a quo)

1330/2021 (WCC)

2 9 10 19 23

Dambuza ADP
Plasket JA
Nicholls JA
Goosen AJA
Mali AJA

COURT B

48. Lieutenant Colonel K B O'Brien N O v The Minister of Defence and Military Veterans, Chief of the South African National Defence Force, Secretary of Defence and Military Veterans, The South African National Defence Force, Staff Sergeant D T Mokoena and Lieutenant P Z Mabula

1271/2021 (GP)

3 6 11 15 21

Ponnan JA
Mocumie JA
Gorven JA
Mabindla-Boqwana AJA
Chetty AJA

COURT C

49. The Road Accident Fund v Ehlers Attorneys, The Legal Practice Council, The Sheriff, Pretoria East and ABSA Bank Limited

1008/2021 (GP)

4 7 13 16 25

Zondi JA
Molemela JA
Mothle JA
Nhlangulela AJA
Siwendu AJA

Wednesday: 23 November 2022

COURT A

**50. JVE Civil Engineers Inc v Blue Bantry Investments 235 (Pty) Ltd and Petrus Burton Fourie N O
1016/2021 (WCC)**

5 6 14 19 20

Van der Merwe JA
Mocumie JA
Hughes JA
Goosen AJA
Windell AJA

COURT B

COURT C

Thursday: 24 November 2022

COURT A

COURT B

COURT C

Friday: 25 November 2022

COURT A

COURT B

COURT C

Monday: 28 November 2022

COURT A

COURT B

COURT C

Tuesday: 29 November 2022

COURT A

COURT B

COURT C

Wednesday: 30 November 2022

COURT A

COURT B

COURT C