

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

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



COURT ROLL

MAY 2023

(26 April 2023)

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

JUDGES - MAY 2023

- 1 Petse AP
- 2 Dambuza ADP
- 3 Ponnann JA
- 4 Saldulker JA
- 5 Mocumie JA
- 6 Schippers JA
- 7 Nicholls JA
- 8 Mbatha JA
- 9 Gorven JA
- 10 Carelse JA
- 11 Mothle JA
- 12 Hughes JA
- 13 Mabindla-Boqwana JA
- 14 Meyer JA
- 15 Matojane JA
- 16 Weiner JA
- 17 Goosen JA
- 18 Molefe JA
- 19 Nhlangulela AJA
- 20 Kathree-Setiloane AJA
- 21 Daffue AJA
- 22 Mali AJA
- 23 Masipa AJA
- 24 Siwendu AJA
- 25 Unterhalter AJA

Monday: 01 May 2023

PUBLIC HOLIDAY

Tuesday: 02 May 2023

COURT A

1. The South African Nursing Council v Khanyisa Nursing School (Pty) Ltd, Minister of Health

835/2022 (GP)

2 9 14 21 25

Dambuza ADP
Gorven JA
Meyer JA
Daffue AJA
Unterhalter AJA

COURT B

2. Rolston Pillay v The State

451/2022 (GP)

4 10 12 19 23

Saldulker JA
Carelse JA
Hughes JA
Nhlangulela AJA
Mali AJA

AND

3. Natasha Tanya Evans v The State

171/2022 (GP)

4 10 12 19 22

Saldulker JA
Carelse JA
Hughes JA
Nhlangulela AJA
Mali AJA

Wednesday: 03 May 2023

COURT A

4. Silverback Technologies CC, Omnico (Pty) Ltd and Cytek Cycle Distributors CC v Commissioner for the South African Revenue Service

301/2022 (GP)

1 13 16 22 23

Petse AP
Mabindla-Boqwana JA

Weiner JA
Mali AJA
Masipa AJA

COURT B

**5. Summermania Eleven (Pty) Ltd v William Henry Hattingh N O
316/2022 (ECG)**

2 6 8 11 17

Dambuza ADP
Schippers JA
Mbatha JA
Mothle JA
Goosen JA

COURT C

**6. Association for Voluntary Sterilization of South Africa v Standard Trust Limited,
Professor Mushi Matjila N O, Associate Professor Lionel Green-Thompson N O, Edward
Leslie Haynes-Smart N O, University of Cape Town and The Master of the High Court
325/2022 (WCC)**

3 4 14 20 24

Ponnan JA
Saldulker JA
Meyer JA
Kathree-Setiloane AJA
Siwendu AJA

Thursday: 04 May 2023

COURT A

**7. Public Investment Corporation SOC Ltd and Government Employees Pension Fund
v Trencon Construction (Pty) Ltd and GVK-Siya Zama Building Contractors (Pty) Ltd
365/2022 (GP)**

3 7 9 13 25

Ponnan JA
Nicholls JA
Gorven JA
Mabindla-Boqwana JA
Unterhalter AJA

COURT B

8. City of Tshwane Metropolitan Municipality v Vresthena (Pty) Ltd and The Body Corporate of Zambezi Retail Park and Zambezi Retail Park Investments (Pty) Ltd and Thumos Properties (Pty) Ltd and ZRJ Properties (Pty) Ltd
(1124/2022) (GJ)

4 11 15 18 21

Saldulker JA
Mothle JA
Matojane JA
Molefe JA
Daffue AJA

COURT C

9. Mosselbaai Boeredienste (Pty) Ltd t/a Mosselbaai Toyota v OKB Motors CC t/a Bultfontein Toyota
1216/2021 (FB)

5 6 10 14 17

Mocumie JA
Schippers JA
Carelse JA
Meyer JA
Goosen JA

Friday: 05 May 2023

COURT A

10. Director of Public Prosecutions KwaZulu-Natal v Brian Munsamy Pillay
706/2022 (KZD)

2 6 11 15 17

Dambuza ADP
Schippers JA
Mothle JA
Matojane JA
Goosen JA

COURT B

11. East Rand Member District of Chartered Accountants and Jaroslav Cerny v Independent Regulatory Board for Auditors, Chairperson of the Independent

Regulatory Board for Auditors and Chief Executive Officer of the Independent**Regulatory Board for Auditors****113/2022 (GP)****3 7 13 16 24**

Ponnan JA
Nicholls JA
Mabindla-Boqwana JA
Weiner JA
Siwendu AJA

COURT C**12. Daniel Malebadi Motladile v Minister of Police****414/2022 (NWM)****8 9 19 20 22**

Mbatha JA
Gorven JA
Nhlangulela AJA
Kathree-Setiloane AJA
Mali AJA

Monday: 08 May 2023**COURT A**

13. Limpopo Provincial Council of the South African Legal Practice Council v Chueu Incorporated Attorneys, Chupjana Lekoloana Chueu, Thabo Milton Chueu, Brian Kingley Keabetsoe Koopedi, Charles Kgomotso Tsoku, Sekgapinye Tsetsewa Pheladi Raesibe Gwangwa, Pascalia Nothlanhla Matibela and Tsoku Chueu Incorporated Attorneys

459/2022 (LP)**4 7 10 19 22**

Saldulker JA
Nicholls JA
Carelse JA
Nhlangulela AJA
Mali AJA

COURT B**14. Road Accident Fund v The Auditor-General of South Africa****485/2022 (GP)****5 8 12 21 25**

Mocumie JA
Mbatha JA
Hughes JA
Daffue AJA
Unterhalter AJA

COURT C

15. Gerard Vosloo N O (administrator of the South African Medical Association Trade Union) and South African Medical Association Trade Union (under administration) v South African Medical Association NPC and Registrar of Labour Relations

490/2022 (GP)

9 14 17 18 23

Gorven JA
Meyer JA
Goosen JA
Molefe JA
Masipa AJA

Tuesday: 09 May 2023

COURT A

16. Golden Core Trade and Invest (Pty) Ltd v Merafong City Local Municipality and Minister of Water and Sanitation

338/2022 (GP)

1 10 14 16 25

Petse AP
Carelse JA
Meyer JA
Weiner JA
Unterhalter AJA

COURT B

17. National Student Financial Aid Scheme v Samantha Lettie Moloï and Linda Makhaza and Keabetswe Motaung and University of the Witwatersrand and Minister of the Department of Higher Education and Training

574/2022 and 194/2022 (GP)

2 12 13 17 18

Dambuza ADP
Hughes JA
Mabindla-Boqwana JA
Goosen JA
Molefe JA

COURT C

18. Vodacom (Pty) Ltd v Kenneth Nkosana Makate and Shameel Joosub N O

401/2022 (GP)

5 6 11 19 20

Mocumie JA
Schippers JA

Mothle JA
Nhlangulela AJA
Kathree-Setiloane AJA

Wednesday: 10 May 2023

COURT A

**19. Discovery Insure Limited v Tshamunwe Masindi
534/2022 (GP)**

1 4 13 16 23

Petse AP
Saldulker JA
Mabindla-Boqwana JA
Weiner JA
Masipa AJA

COURT B

**20. Corub Property (Pty) Ltd v Paul Gancalves Barbuzano
427/2022 (GJ)**

2 7 9 14 17

Dambuza ADP
Nicholls JA
Gorven JA
Meyer JA
Goosen JA

COURT C

**21. Vantage Goldfields SA (Pty) Ltd and Vantage Goldfields Ltd v Arqomanzi (Pty) Ltd and Vantage Goldfields (Pty) Ltd (in business rescue) and Barbrook Mines (Pty) Ltd (in business rescue) and Makonjwaan Imperial Mining Company (Pty) Ltd (in business rescue) and Robert Charles Devereux NO and Daniel Terblanche NO and The Standard Bank of South Africa Ltd and Minister of Mineral Resources and Energy and KPMG South Africa Inc. and Lomshiyo Traditional Authority
733/2023 (MP)**

3 5 8 15 22

Ponnan JA
Mocumie JA
Mbatha JA
Matojane JA
Mali AJA

Thursday: 11 May 2023

COURT A

22. Freedom Under Law (RF) NPC v Judicial Service Commission and Nkola John

Motata

550/2022 (GJ)

3 5 6 20 23

Ponnan JA
Mocumie JA
Schippers JA
Kathree-Setiloane AJA
Masipa AJA

COURT B

23. Municipal Manager: City of Johannesburg Metropolitan Municipality, City of Johannesburg Metropolitan Municipality and Johannesburg Water (SOC) Ltd v San Ridge Heights Rental Property (Pty) Ltd

517/2022 (GJ)

7 10 13 16 18

Nicholls JA
Carelse JA
Mabindla-Boqwana JA
Weiner JA
Molefe JA

COURT C

24. Kunene Ramapala Inc v Department of Education and Sport Development, North West Provincial Department

460/2022 (NWM)

8 11 12 15 22

Mbatha JA
Mothle JA
Hughes JA
Matojane JA
Mali AJA

Friday: 12 May 2023

COURT A

25. Member of the Executive Council: Police, Roads and Transport (Free State Provincial Government) v Bovicon Consulting Engineers CC and P Roodt N O (Sheriff, Bloemfontein East)

278/2022 (FB)

1 9 13 20 23

Petse AP
Gorven JA
Mabindla-Boqwana JA
Kathree-Setiloane AJA
Masipa AJA

COURT B

26. Estate Late Goolam Murtuza Hafiz, Mohamed Iqbal Essop and Sayed Hoosen Ahmed v Ahmed Zakir Hafiz, Akhmed Raza Wahab, Sayed Mukthar Mohammed, Shakeel Ahmed Hafiz, Aneez Ahmed Hafiz, Master of the High Court, Pietermaritzburg, Registrar of Deeds, KwaZulu-Natal and eThekweni Metropolitan Municipality
804/2022 (KZP)

2 17 22 24 25

Dambuza ADP
Goosen JA
Mali AJA
Siwendu AJA
Unterhalter AJA

COURT C

27. Anthony Robert de Graaf N O v Christine Susan Camilleri
565/2022 (WCC)

4 5 14 19 21

Saldulker JA
Mocumie JA
Meyer JA
Nhlangulela AJA
Daffue AJA

Monday: 15 May 2023

COURT A

28. PFC Properties (Pty) Ltd v Commissioner for the South African Revenue Service, Tianjin Pengbo Weiye SA (Pty) Ltd, Registrar of Deeds, Pretoria, Cloete Murray N O and Roselyn Chantal Noel N O
Case 543/21 to be heard with case 409/22
543/21 (GP)

1 6 8 16 25

Petse AP
Schippers JA
Mbatha JA
Weiner JA
Unterhalter AJA

AND

29. Brita de Robillard N O and Clifford Edward Alexander N O v PFC Properties (Pty) Ltd, The Companies and Intellectual Property Commission, Commissioner for the South African Revenue Service, Cloete Murray N O and Roselyn Chantal Noel N O

Case 409/21 to be heard with case 543/22

409/21 (KZP)

1 6 8 16 25

Petse AP
Schippers JA
Mbatha JA
Weiner JA
Unterhalter AJA

COURT B

30. Siqalo Foods (Pty) Ltd v Clover SA (Pty) Ltd

425/2022 (GP)

3 10 15 21 24

Ponnan JA
Carelse JA
Matojane JA
Daffue AJA
Siwendu AJA

COURT C

31. Dis-Chem Pharmacies Limited v Dainfern Square (Pty) Ltd, Mpilo Winston Dlamini Noble Spectatus Funds (Pty) Ltd in re: Dainfern Square (Pty) Ltd v Mpilo Winston Dlamini and Dis-chem Pharmacies Limited

648/2022 (GP)

7 11 18 20 22

Nicholls JA
Mothle JA
Molefe JA
Kathree-Setiloane AJA
Mali AJA

Tuesday: 16 May 2023

COURT A

32. Municipal Gratuity Fund v The Pension Funds' Adjudicator and Mutsila, Tshifhiwa Shembry

364/2022 (GP)

2 5 8 19 21

Dambuza ADP
Mocumie JA
Mbatha JA
Nhlangulela AJA
Daffue AJA

COURT B

33. De Beers Marine (Pty) Ltd v Harry Dilly (Pty) Ltd
413/2022 (WCC)

6 9 12 13 16

Schippers JA
Gorven JA
Hughes JA
Mabindla-Boqwana JA
Weiner JA

COURT C

Wednesday: 17 May 2023

COURT A

34. Ilse Becker, Eugene Becker and Fusion Guarantees (Pty) Ltd v Financial Services Conduct Authority, Minister Enoch Godongwana in his capacity as Minister of Finance, the National Credit Regulator and the Prudential Authority of South Africa
454/2022 (GP)

1 11 14 23 25

Petse AP
Mothle JA
Meyer JA
Masipa AJA
Unterhalter AJA

COURT B

35. National Brands Limited v Cape Cookies CC and Registrar of Trade Marks
309/2022 and 567/2022 (GP)

3 9 12 17 24

Ponnan JA
Gorven JA
Hughes JA
Goosen JA
Siwendu AJA

COURT C

36. Jan Pieter le Roux v Christiaan Frederik Zietsman and Ester Petronella Zietsman
330/2022 (LP)

5 8 13 20 22

Mocumie JA
Mbatha JA
Mabindla-Boqwana JA
Kathree-Setiloane AJA
Mali AJA

Thursday: 18 May 2023

COURT A

37. Legal Practitioners' Fidelity Fund v Carla Marshall Guilherme
702/2022 (WCC)

2 4 11 15 21

Dambuza ADP
Saldulker JA
Mothle JA
Matojane JA
Daffue AJA

COURT B

38. Emalaheni Local Municipality v Lehlaka Property Development (Pty) Ltd
600/2022 (MM)

5 7 12 16 24

Mocumie JA
Nicholls JA
Hughes JA
Weiner JA
Siwendu AJA

COURT C

39. Daniel Nel Pretorius v Agricultural Research Council
250/2022 (GP)

6 10 13 17 18

Schippers JA
Carelse JA
Mabindla-Boqwana JA
Goosen JA
Molefe JA

Friday: 19 May 2023

COURT A

40. Firm-O-Seal CC v Wynand Prinsloo & Van Eeden Incorporated and Derick van Wyk
483/2022 (MM)

3 14 15 20 24

Ponnan JA
Meyer JA
Matojane JA
Kathree-Setiloane AJA
Siwendu AJA

COURT B

**41. Ndidzulafhi Nemangwela v Road Accident Fund
437/2022 (LT)**

5 18 19 21 23

Mocumie JA
Molefe JA
Nhlangulela AJA
Daffue AJA
Masipa AJA

COURT C

**42. Media 24 (Pty) Ltd v Nkosinathi Nhleko and Dr Nomcebo Mthembu
109/2022 (WCC)**

7 9 12 17 25

Nicholls JA
Gorven JA
Hughes JA
Goosen JA
Unterhalter AJA

Monday: 22 May 2023

COURT A

**43. Kgoshi Ngoako Isaac Lebogo and Bahananwa Traditional Council v Headman Enos
Matome Kobe, Morukhu Matome Alfred, Phala Ntome Simon, Kgatla Mashilo Phillip,
Kubu Ngoako Abram, Lebogo Moloko Courtly, Lekwara Matlou Albert, Mailula Kolobe
Patrick, Manaka Nhlodi Samuel, Maboya Mkgodi Wilson and Others
1204/2021 (LP)**

5 11 15 16 18

Mocumie JA
Mothle JA
Matojane JA
Weiner JA
Molefe JA

COURT B**COURT C**

Tuesday: 23 May 2023

COURT A

COURT B

COURT C

Wednesday: 24 May 2023

COURT A

**44. Narius Moloto v The Pan Africanist Congress of Azania
1176/2019 (GP)**

5 12 15 18 19

Mocumie JA
Hughes JA
Matojane JA
Molefe JA
Nhlangulela AJA

COURT B

COURT C

Thursday: 25 May 2023

COURT A

COURT C

Friday: 26 May 2023

COURT A

COURT B

COURT C

Monday: 29 May 2023

COURT A

**45. FirstRand Bank Limited t/a RMB Private Bank and FNB v Envergale Property Development (Pty) Ltd and Kim Sheena Cooper
543/2022 (GJ)**

4 7 10 14 18

Saldulker JA
Nicholls JA
Carelse JA
Meyer JA
Molefe JA

COURT B

COURT C

Tuesday: 30 May 2023

COURT A

COURT B

COURT C

Wednesday: 31 May 2023

COURT A

COURT B

COURT C