

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

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



**FINAL ROLL
AUGUST - SEPTEMBER 2023**

13 September 2023

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

JUDGES – AUGUST/SEPTEMBER 2023

- 1 Molemela P
- 2 Petse DP
- 3 Ponnann JA
- 4 Saldulker JA
- 5 Zondi JA
- 6 Dambuza JA
- 7 Mocumie JA
- 8 Makgoka JA
- 9 Mokgohloa JA
- 10 Mbatha JA
- 11 Carelse JA
- 12 Mothle JA
- 13 Hughes JA
- 14 Mabindla-Boqwana JA
- 15 Meyer JA
- 16 Matojane JA
- 17 Weiner JA
- 18 Goosen JA
- 19 Molefe JA
- 20 Nhlangulela AJA
- 21 Kathree-Setiloane AJA
- 22 Windell AJA
- 23 Keightley AJA
- 24 Mali AJA
- 25 Siwendu AJA
- 26 Unterhalter AJA

Tuesday: 15 August 2023

COURT A

**1. Stephanus Petrus Lategan, Johannes Retief Lategan v Director of Public Prosecutions
Western Cape, Regional Magistrate, Wynburg
314/2022 (WCC)**

1 13 17 22 23

Molemela P
Hughes JA
Weiner JA
Windell AJA
Keightley AJA

COURT B

**2. Minister of Agriculture, Land Reform and Rural Development, Chief Land Claims
Commissioner, Director-General of the Department of Agriculture, Land Reform and
Rural Development and Regional Claims Commissioner: KwaZulu-Natal v Bongani
Cyprian Ndumo (obo Emdwebu Community)
577/2022 (LCC)**

5 11 12 16 25

Zondi JA
Carelse JA
Mothle JA
Matojane JA
Siwendu AJA

COURT C

**3. Chairperson of the Western Cape Gambling and Racing Board, Western Cape
Gambling and Racing Board, Vukani Gaming Western Cape (Pty) Ltd t/a VSlots and
Grand Gaming Western Cape (RF) (Pty) Ltd t/a Grand Slots v Goldrush Group
Management (Pty) Ltd and MEC for Finance, Western Cape
660/2022 (WCC)**

8 14 15 18 19

Makgoka JA
Mabindla- Boqwana JA
Meyer JA
Goosen JA
Molefe JA

Wednesday: 16 August 2023

COURT A**4. Mantis Investment Holdings (Pty) Ltd and Adrian John Faulkner Gardiner v Werner de Jager N O and Carol-Ann Schröder N O****696/2022 (ECG)****3 10 21 23 26**

Ponnan JA
Mbatha JA
Kathree-Setiloane AJA
Keightley AJA
Unterhalter AJA

COURT B**5. Mavis McAllister (obo Ethan Liso McAllister) v Member of the Executive council for Health, Eastern Cape****580/2022 (ECB)****4 7 13 18 24**

Saldulker JA
Mocumie JA
Hughes JA
Goosen JA
Mali AJA

COURT C**6. Ba-Gat Motors CC t/a Gys Pitzer Motoring and Gybertus Pitzer v Kempster Sedgwick (Pty) Ltd****511/2022 (GP)****6 11 14 15 20**

Dambuza JA
Carelse JA
Mabindla-Boqwana JA
Meyer JA
Nhlangulela AJA

Thursday: 17 August 2023**COURT A****7. Democratic Alliance v Minister of Cooperative Governance and Traditional Affairs, Speaker of the National Assembly, Chairperson of the National Council of Provinces and President of the Republic of South Africa****700/2022 (GP)****1 2 8 10 19**

Molemela P
Petse DP
Makgoka JA

Mbatha JA
Molefe JA

COURT B

8. Buyiswa Grace Pasiya, Thandi Veronica Mohale, Xoliswa Ntobongwana, Keely Canca, Primrose Pasiya, Yoliswa Qangule, Sharon Mnqandi, Koleka Makhongolo, Pumla Mdleleni, Ouma Ramatlodi and Thembi Zungu v Lithemba Mining (Pty) Ltd, Yoliswa Balfour, Siphokazi Nyamakazi, Vuyolwethu Ntombekhaya Ncwaiba, Sive Yibanati Stofile, Nkosi Yawo Gugushe, Nosinda Tena, Zodwa Enid Mahlangu, Ntombizakhe Madala, Nomfanelo Magwentshu, Lithemba Investments (Pty) Ltd and Companies and Intellectual Property Commission
264/2022 with 206/2022 (ECG)

4 5 12 16 21

Saldulker JA
Zondi JA
Mothle JA
Matojane JA
Kathree-Setiloane AJA

COURT C

Friday: 18 August 2023

COURT A

9. LottoStar (Pty) Ltd and Mpumalanga Gambling Board v Ithuba Holdings (Pty) Ltd (RF), National Lotteries Commission and Betting World (Pty) Ltd (and National Gambling Board intervening)
624/2022 with 630/2022 (MMB)

3 4 17 18 26

Ponnan JA
Saldulker JA
Weiner JA
Goosen JA
Unterhalter AJA

COURT B

10. Siyabonga Mthanti v The State
859/2022(KZP)

6 13 16 22 24

Dambuza JA
Hughes JA
Matojane JA
Windell AJA
Mali AJA

Monday: 21 August 2023

COURT A

11. Minister of Police v Mabhaso Nontsele

547/2022 (ECM)

6 12 18 19 25

Dambuza JA
Mothle JA
Goosen JA
Molefe JA
Siwendu AJA

COURT B

12. The Member of the Executive Council for Health & Social Development of the Gauteng Provincial Government v Elizabeth Mamanthe Motubatse and Andries Mokganyetsi Motubatse

182/2021 (GJ)

7 8 17 20 22

Mocumie JA
Makgoka JA
Weiner JA
Nhlangulela AJA
Windell AJA

COURT C

Tuesday: 22 August 2023

COURT A

13. Kurt Robert Knoop N O (in his capacity as business rescue practitioner of Optimum Coal Mine (Pty) Ltd), Johan Louis Klopper N O (in his capacity as business rescue practitioner of Optimum Coal Mine (Pty) Ltd), Kgashane Christopher Monyela N O (in his capacity as business rescue practitioner of Optimum Coal Mine (Pty) Ltd), Juanito Martin Damons N O (in his capacity as business rescue practitioner of Optimum Coal Mine (Pty) Ltd), Optimum Coal Mine (Pty) Ltd (in business rescue), Kurt Robert Knoop N O (in his capacity as business rescue practitioner of Tegeta Exploration & Resources (Pty) Ltd), Johan Louis Klopper N O (in his capacity as business rescue practitioner of Tegeta Exploration & Resources (Pty) Ltd), Tegeta Exploration & Resources (in business rescue), Kurt Robert Knoop N O (in his capacity as business rescue practitioner of Optimum Coal Terminal (Pty) Ltd), Kgashane Christopher Monyela N O (in his capacity as business rescue practitioner of Optimum Coal Terminal (Pty) Ltd), Optimum Coal

Terminal (Pty) Ltd (in business rescue), National Union of Mineworkers, Templar Capital Ltd and Liberty Coal (Pty) Ltd v National Director of Public Prosecutions
657/2022 with 694/2022 (GP)

7 15 16 21 23

Mocumie JA
Meyer JA
Matojane JA
Kathree-Setiloane AJA
Keightley AJA

COURT B

14. Pieter Cornelius De Klerk v The State

718/2022 (GJ)

8 11 12 13 24

Makgoka JA
Carelse JA
Mothle JA

COURT C

Wednesday: 23 August 2023

COURT A

15. Pindile Joseph Junior Ntshongwana v The State

1304/2021 (KZP)

1 3 7 10 22

Molemela P
Ponnan JA
Mocumie JA
Mbatha JA
Windell AJA

COURT B

16. Fleet Africa (Pty) Limited v Polokwane Local Municipality

720/2022 (LP)

4 13 16 23 25

Saldulker JA
Hughes JA
Matojane JA
Keightley AJA
Siwendu AJA

COURT C

**17. Malala Geophrey Ledwaba v Minister of Justice and Constitutional Development,
National Director of Public Prosecutions and Head of the Specialised Commercial
Crimes Court Unit, Pretoria**

947/2022 (GJ)

6 8 11 20 21

Dambuza JA
Makgoka JA
Carelse JA
Nhlangulela AJA
Kathree- Setiloane AJA

Thursday: 24 August 2023

COURT A

**18. Cloete Murray N O, Gert Louwrens Steyn De Wet N O and Magda Wilma Kets N O
(in their capacities as joint liquidators of Phehla Umsebenzi Trading 48 CC (in
liquidation) with Registration Number: 2004/054809/23) v Madala Louis David
Ntombela, Sefora Hixsonia Ntombela and Hugo & Terblanche Auctioneers**

729/2022 (GJ)

2 14 19 21 23

Petse DP
Mabindla- Boqwana JA
Molefe JA
Kathree- Setiloane AJA
Keightley AJA

COURT B

**19. Frank Nabolisa v The Regional Court Magistrate Ms Syta Prinsloo N O and The
Director of Public Prosecutions: Gauteng Local Division, Johannesburg**

568/2022 (GJ)

5 9 13 20 24

Zondi JA
Mokgohloa JA
Nhlangulela AJA

COURT C

**20. Forestry South Africa v The Minister of Human Settlements, Water and Sanitation,
The Director-General: Department of Water and Sanitation, Inkomathi-Usuthu
Catchment Management Agency and The Chairman of the Water Tribunal**

AND

The Minister of Human Settlements, Water and Sanitation, The Department of Human Settlements, Water and Sanitation, Inkomathi-Usuthu Catchment Management Agency, Breede-Gouritz Catchment Management Agency and The Chairman of the Water Tribunal v Forestry South Africa
777/2022 and 824/2022 (WCC)

7 12 17 22 26

Mocumie JA
Mothle JA
Weiner JA
Windell AJA
Unterhalter AJA

Friday: 25 August 2023

COURT A

21. Thobile Mucavele obo Mpho Mucavele and VZLR Inc v MEC for Health, Mpumalanga Province
889/2022 (MPM)

3 4 5 11 25

Ponnan JA
Saldulker JA
Zondi JA
Carelse JA
Siwendu AJA

COURT B

22. MEC for the Department of Public Works, MEC for the Department of Health and MEC for Finance, Eastern Cape v Ikamva Architects CC, The Sheriff of the High Court, King William's Town and The Sheriff of the High Court, District of Zwelitsha, Mdantsane and Stutterheim
867/2022 (ECB)

6 10 14 22 26

Dambuza JA
Mbatha JA
Mabindla-Boqwana JA
Windell AJA
Unterhalter AJA

COURT C

23. Gideon Jakobus Stemmet and Elaine Stemmet v Tselisa James Mokhehi and Mmakweleng Naomi Mokhehi
681/2022 (FB)

8 16 17 19 24

Makgoka JA

Matojane JA
Weiner JA
Molefe JA
Mali AJA

Monday: 28 August 2023

COURT A

24. Transet SOC Ltd v Tipp-Con (Pty) Ltd; SA Fence and Gate (Pty) Ltd; Gordian Fence SA (Pty) Ltd; Siyanoku (Pty) Ltd; Sinoville Fencing SA (Pty) Ltd; Cochrane Projects (Pty) Ltd and Securemesh CC

797/2022 (GP)

2 15 22 23 25

Petse DP
Meyer JA
Windell AJA
Keightley AJA
Siwendu AJA

COURT B

25. Dinkwanyane Kgalema Mohuba v The University of Limpopo

730/2022 (LP)

5 12 17 18 26

Zondi JA
Mothle JA
Weiner JA
Goosen JA
Unterhalter AJA

COURT C

26. Advocate C Bisschoff NO on behalf of Denzil John Reyners v Passenger Rail Agency of South Africa

727/2022 (WCC)

10 14 16 20 21

Mbatha JA
Mabindla-Boqwana JA
Matojane JA
Nhlangulela AJA
Kathree-Setiloane AJA

Tuesday: 29 August 2023

COURT A

27. Mphaphuli Consulting (Pty) Ltd v Special Investigating Unit (SIU), Advocate Jan Lekhoa Mothibi, Fetakgomo- Greater Tubatse Municipality, President of the Republic

of South Africa, Minister of Justice and Correctional Services, Minister of Finance,
Minister of Mineral Resources and Energy, Eskom Holdings, MEC: Department of
Cooperative Governance, Human Settlement and Traditional Affairs Limpopo
Provincial Government

405/2022 (LT)

3 14 17 21 24

Ponnan JA
Mabindla- Boqwana JA
Weiner JA
Kathree- Setiloane AJA
Mali AJA

COURT B

28. Tina Majope and Abednego Machabe v Road Accident Fund

663/2022 (MMB)

5 6 11 19 20

Zondi JA
Dambuza JA
Carelse JA
Molefe JA
Nhlangulela AJA

COURT C

Wednesday: 30 August 2023

COURT A

DIES NON

COURT B

DIES NON

COURT C

DIES NON

Thursday: 31 August 2023

COURT A

29. Lueven Metals (Pty) Ltd v Commissioner for the South African Revenue Service

728/2022 (GP)

1 3 15 23 24

Molemela P
Ponnan JA
Meyer JA
Keightley AJA
Mali AJA

COURT B

30. Ergomode (Pty) Ltd v Craig Dereck Jordaan NO, Brett Leslie Holding NO, Sakhile Contract Mining (Pty) Limited (in business rescue), Gideon Mining and Beneficiation (Pty) Ltd, Independent Coal Marketing Company (Pty) Ltd, Commissioner of the South African Revenue Service, Aradom (Pty) Ltd, Gary Mazaham, Abaphumeleli Trading 115 CC T/A Portaloo, Renttech South Africa (Pty) Ltd, Siboniswe Coal Laboratory Services CC, Stallion Security (Pty) Ltd, Coal Procurement SA (Pty) Ltd, Darryl Hendricks, Street Spirit Trading 131 (Pty) Ltd, Veralogix (Pty) Ltd, Keenan Hendricks, F E Skosana, J Maome, M X Zulu, T M Zitha, J P Mathe, S G Mathe, N E Nefefe, M J Mathonsi, S Sifundza, K J Malope, L P Makabane, R J Khanye, M E Helepe, N S Mokoena, M E Twala (Elias) M Twala, J G Joubert, Voice of Workers of South Africa Civil Rights Union and the National Union of Metalworkers of South Africa

643/2022 (MM)

2 7 17 19 22

Petse DP
Mocumie JA
Weiner JA
Molefe JA
Windell AJA

COURT C

Friday: 01 September 2023

COURT A

31. James R Lindsey; The Lindsey Family Trust; William Buck Johns; Marc van Antro and Wymont Services Limited v African Wireless Inc. and Aliou Badara Mohamed Conteh (substituted by Brigette van Geesbergen Conteh in her capacity as *Curatrix Bonis*)

774/2022 (GJ)

4 13 14 16 26

Saldulker JA
Hughes JA
Mabindla-Boqwana JA

Matojane JA
Unterhalter AJA

COURT B.**COURT C**

Monday: 04 September 2023

COURT A

32. AfriForum v Economic Freedom Fighters, Julius Sello Malema and Mbuyiseni Quintin Ndlozi
1105/2022 (EQ)

4 16 19 20 23

Saldulker JA
Matojane JA
Molefe JA
Nhlangulela AJA
Keightley AJA

COURT B

33. Hulisani Viccel Sithagu v Capricorn District Municipality
593/2022 (LT)

5 8 11 12 13

Zondi JA
Makgoka
Carelse JA
Mothle JA
Hughes JA

COURT C

Tuesday: 05 September 2023

COURT A

34. The National Credit Regulator v National Consumer Tribunal; Elevation Trading CC t/a Xcelsior Financial Services and Xcelsior Financial Services (Pty) Ltd.
707/2022 (GP)

3 10 13 17 20

Ponnan JA
Mbatha JA
Hughes JA
Weiner JA
Nhlangulela AJA

COURT B**COURT C**

Wednesday: 06 September 2023

COURT A

35. Alice Mary Parry v Rosalene Sybil Dunn-Blatch, International Trade Institute of Southern Africa NPC (ITRISA) and TRADSA (Pty) Ltd
394/2022 (GJ)

1 4 8 13 24

Molemela P
Saldulker JA
Makgoka JA
Hughes JA
Mali AJA

COURT B

36. The State v Xolani Ndlovu
888/2021 (GJ)

2 5 9 14 25

Petse DP
Zondi JA
Mokgohloa JA
Mabindla-Boqwana JA
Siwendu AJA

COURT C

Thursday: 07 September 2023

COURT A

37. Integrity Forensic Solutions CC v Amajuba District Municipality
662/2022 (KZP)

3 14 18 22 23

Ponnan JA
Mabindla-Boqwana JA
Goosen JA
Windell AJA
Keightley AJA

COURT B

38. Amina Irankunda and Arava Niyonkuru v The Director of Asylum Seeker Management: Department of Home Affairs, The Cape Town Refugee Reception Office

**Manager, Home Affairs, The Director-General of the Department of Home Affairs and
The Chairperson of the Standing Committee for Refugee Affairs**

821/2022 (WCC)

5 8 19 21 26

Zondi JA
Makgoka JA
Molefe JA
Kathree- Setiloane AJA
Unterhalter AJA

COURT C

39. 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 10 12 20 25

Mocumie JA
Mbatha JA
Mothle JA
Nhlangulela AJA
Siwendu AJA

Friday: 08 September 2023

COURT A

COURT B

COURT C

Monday: 11 September 2023

COURT A

40. Henque 1838 CC v Maxprop Holdings (Pty) Ltd; The Body Corporate of Kirtlington Park; The Body Corporate of Kirtlington Green; The Body Corporate of Kirtlington Park 2; The Body Corporate of Kirtlington Park 3; Kirtlington Park Home Owners Association; Lindsay Shaun Tragott Vorwerg; Enid Helena Aylward N O; Adele Jones N O and Neville Aylward N O and Others

759/2022 (KZD)

3 15 18 19 24

Ponnan JA
Meyer JA
Goosen JA
Molefe JA

Mali AJA

COURT B

41. Petronella De Nysschen v Government Employees Pension Fund, Chairperson: Board of Trustees of the Government Employees Pension Fund, Government Pensions Administration Agency, Chief Executive Officer: Government Pensions Administration Agency, Department of Education North West Province, Head of Department: Department of Education North West Province
864/2022 (NWM)

6 7 8 17 25

Dambuza JA
Mocumie JA
Makgoka JA
Weiner JA
Siwendu AJA

COURT C

Tuesday: 12 September 2023

COURT A

42. Willem Francois Bouwer NO (in his capacity as the appointed co-curator bonis of JHJ Van Dyk with reference MC751/2017) and Annali Christelle Basson NO (in her capacity as the appointed co-curator bonis of JHJ Van Dyk with reference MC751/2017) v The Master of the High Court, Pretoria
916/2022 (GP)

4 10 11 20 22

Saldulker JA
Mbatha JA
Carelse JA
Nhlangulela AJA
Windell AJA

COURT B

Wednesday: 13 September 2023

COURT A

43. Minister of Justice and Correctional Services, National Commissioner of Correctional Services and Head of Leeuwkop Medium C Correctional Centre v Mbalenhle Sidney Ntuli
539/2020 (to be heard with 440/2022) (GJ)

6 15 16 18 26

Dambuza JA
Meyer JA
Matojane JA
Goosen JA
Unterhalter AJA

COURT B**COURT C**

Thursday: 14 September 2023

COURT A

44. Minister of Justice and Correctional Services, National Commissioner of the Department of Correctional Services and Head of Zonderwater Correctional Centre v Wilhelm Pretorius, Dr Johan Pretorius and Dr Johan Lets Pretorius
440/2022 (to be heard with 539/2020)

6 15 16 18 26

Dambuza JA
Meyer JA
Matojane JA
Goosen JA
Unterhalter AJA

COURT B**COURT C**

Friday: 15 September 2023

COURT A

45. 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)

2 12 15 25 26

Petse DP
Mothle JA
Meyer JA
Siwendu AJA
Unterhalter AJA

COURT B**COURT C**

Monday: 18 September 2023

COURT A

46. Abel Sekoala v The State

579/2022 (GP)

10 11 14 20 25

Mbatha JA
Carelse JA
Mabindla- Boqwana JA
Nhlangulela AJA
Siwendu AJA

COURT B

COURT C

Tuesday: 19 September 2023

COURT A

COURT B

COURT C

Wednesday: 20 September 2023

COURT A

COURT B

COURT C

Thursday: 21 September 2023

COURT A

COURT B

COURT C

Friday: 22 September 2023

COURT A**COURT B****COURT C**

Monday: 25 September 2023

PUBLIC HOLIDAY

Tuesday: 26 September 2023

COURT A

47. Michelle Armitage N O v Valencia Holdings 13 (Pty) Ltd, Shaun Michael Green, Mark Douglas Smith, Ronald James Hoy and Derek Norman Stanbridge

638/2022 (GJ) 6 15 18 21 24

6 15 18 21 25

Dambuza JA
Meyer JA
Goosen JA
Kathree-Setiloane AJA
Siwendu AJA

COURT B**COURT C**

Wednesday: 27 September 2023

COURT A**COURT B****COURT C**

Thursday: 28 September 2023

COURT A

48. Jacob Gedleyihlekisa Zuma v Karyn Maughan, William John Downer

788/22 (KZN)

1 3 4 7 12

Molemela P
Ponnan JA
Saldulker JA
Mocumie JA
Mothle JA

COURT B

COURT C

Friday: 29 September 2023

COURT A

COURT B

COURT C