

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

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



**FINAL ROLL
FEB/MARCH 2019
(30 January 2019)**

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

JUDGES - FEB/MARCH 2019

- 1 Navsa AP
- 2 Lewis ADP
- 3 Ponnann JA
- 4 Cachalia JA
- 5 Leach JA
- 6 Tshiqi JA
- 7 Majiedt JA
- 8 Wallis JA
- 9 Saldulker JA
- 10 Swain JA
- 11 Mbha JA
- 12 Zondi JA
- 13 Dambuza JA
- 14 Mathopo JA
- 15 Van der Merwe JA
- 16 Mocumie JA
- 17 Makgoka JA
- 18 Schippers JA
- 19 Mokgohloa AJA
- 20 Davis AJA
- 21 Dlodlo AJA
- 22 Carelse AJA
- 23 Matojane AJA
- 24 Eksteen AJA
- 25 Rogers AJA

Friday: 15 February 2019

COURT A

**1. South African Airways SOC Limited v Comair Limited
782/2017 (GJ)**

1 6 10 13 17

Navsa AP
Tshiqi JA
Swain JA
Dambuza JA
Makgoka JA

COURT B

**2. Sihle Zikalala & others v Lawrence Dube & others
73/2018 (KZP)**

2 3 5 12 20

Lewis ADP
Ponnan JA
Leach JA
Zondi JA
Davis AJA

COURT C

**3. Heinrich Mans v Anita Mans
1317/2017 (GP)**

4 7 18 19 23

Cachalia JA
Majiedt JA
Schippers JA
Mokgohloa AJA
Matojane AJA

Monday: 18 February 2019

COURT A

**4. Benhaus Mining (Pty) Ltd v The Commissioner for the South African
Revenue Service
165/2018 (Tax Court)**

2 11 16 17 20

Lewis ADP
Mbha JA
Mocumie JA
Makgoka JA
Davis AJA

COURT B

**5. The Chairperson of The Municipal Appeals Tribunal, City of Tshwane & others v Brooklyn and Estate Areas Citizens Association & another
1239/2017 (GP)**

3 7 10 24 25

Ponnan JA
Majiedt JA
Swain JA
Eksteen AJA
Rogers AJA

COURT C

**6. Enver Mohamed Motala v The Master of the North Gauteng High Court, Pretoria
92/2018 (GP)**

5 8 14 15 21

Leach JA
Wallis JA
Mathopo JA
Van der Merwe JA
Dlodlo AJA

Tuesday: 19 February 2019

COURT A

**7. Polokwane Local Municipality v Granor Passi (Pty) Ltd & another
289/2018 (GP)**

3 6 8 12 13

Ponnan JA
Tshiqi JA
Wallis JA
Zondi JA
Dambuza JA

COURT B

**8. Gridmark CC v Razia Trading CC
349/2018 (WCC)**

4 7 15 16 21

Cachalia JA
Majiedt JA
Van der Merwe JA
Mocumie JA
Dlodlo AJA

COURT C

9. Raubex Construction (Pty) Ltd v Bryte Insurance Company Ltd

337/2018 (GJ)

5 10 14 17 24

Leach JA
Swain JA
Mathopo JA
Makgoka JA
Eksteen AJA

Wednesday: 20 February 2019

COURT A**10. Norbert Ketzler v Gardens Lodge Body Corporate****1073/2017 (WCC)**

1 6 10 22 23

Navsa AP
Tshiqi JA
Swain JA
Carelse AJA
Matojane AJA

COURT B**11. The Trustees for the time being of the Oregon Trust (IT728/1995) & another****v BEADICA 231 CC & others****74/2018 (WCC)**

2 4 9 11 18

Lewis ADP
Cachalia JA
Saldulker JA
Mbha JA
Schippers JA

COURT C**12. Atwealth (Pty) Ltd & others v Alan Kernick & others****116/2018 (ECG)**

8 12 13 20 25

Wallis JA
Zondi JA
Dambuza JA
Davis AJA
Rogers AJA

Thursday: 21 February 2019

COURT A**13. Timothy Fanfani Mabaso v National Commissioner of Police & another**

1222/2017 (WCC)

1 15 17 19 24

Navsa AP
Van der Merwe JA
Makgoka JA
Mokgohloa AJA
Eksteen AJA

COURT B

14. Geoffrey Cook v Murray Morrison & another

1319/2017 (GJ)

2 5 9 14 25

Lewis ADP
Leach JA
Saldulker JA
Mathopo JA
Rogers AJA

COURT C

15. Sivubo Trading and Projects CC v Development Bank of Southern Africa

233/2018 (GJ)

6 7 18 22 23

Tshiqi JA
Majiedt JA
Schippers JA
Carelse AJA
Matojane AJA

Friday: 22 February 2019

COURT A

16. Rabia Helga Beukes v Dr Samuel Johannes Smith

211/2018 (GP)

1 12 13 16 19

Navsa AP
Zondi JA
Dambuza JA
Mocumie JA
Mokgohloa AJA

COURT B

17. Johannesburg Society of Advocates v Christiaan Serfontein Edeling

326/2018 (GJ)

3 8 9 18 24

Ponnan JA
Wallis JA
Saldulker JA
Schippers JA
Eksteen AJA

COURT C**18. Centriq Insurance Company Limited v Marisa Vogel Oosthuizen & another****237/2018 (FB)****4 11 14 21 25**

Cachalia JA
Mbha JA
Mathopo JA
Dlodlo AJA
Rogers AJA

Monday: 25 February 2019

COURT A**19. Africa Charter Airline CC v Avisys Aviation Systems CC****421/2018 (GJ)****2 9 15 17 20**

Lewis ADP
Saldulker JA
Van der Merwe JA
Makgoka JA
Davis AJA

COURT B**20. The Pretoria Society of Advocates v Margaret Van Zyl****517/2018 (GP)****3 7 8 10 18**

Ponnan JA
Majiedt JA
Wallis JA
Swain JA
Schippers JA

COURT C**21. Parktown High School for Girls v Emeran Hishaam obo Emeran, Naqeeb****093/2018 (GJ)****4 5 6 19 25**

Cachalia JA
Leach JA
Tshiqi JA
Mokgohloa AJA
Rogers AJA

Tuesday: 26 February 2019

COURT A

22. Twende Africa Group (Pty) Ltd t/a Tag Marine v MFV Qavak

476/2018 (ECP)

1 8 13 17 20

Navsa AP
Wallis JA
Dambuza JA
Makgoka JA
Davis AJA

COURT B

23. Tadvest Industrial (Pty) Ltd v Anthea Hanekom & others

083/2018 (LCC)

3 7 10 22 23

Ponnan JA
Majiedt JA
Swain JA
Carelse AJA
Matojane AJA

COURT C

24. National Home Builders Registration Council v Michiel Wessel Adendorff & others

406/2018 (LT)

5 9 11 21 24

Leach JA
Saldulker JA
Mbha JA
Dlodlo AJA
Eksteen AJA

Wednesday: 27 February 2019

COURT A

25. The Minister of Safety and Security v Kholeka Nancy MSI

273/2018 (ECG)

1 7 14 18 24

Navsa AP
Majiedt JA
Mathopo JA
Schippers JA
Eksteen AJA

COURT B

26. Ernest Theron v Premier of the Western Cape Province & another

1310/17 (WCC)

2 4 9 11 13

Lewis ADP
Cachalia JA
Saldulker JA
Mbha JA
Dambuza JA

COURT C**27. Minister of Police v Mfanuka Jacob Masina**

1082/2017 (GP)

6 8 12 15 23

Tshiqi JA
Wallis JA
Zondi JA
Van der Merwe JA
Matojane AJA

Thursday: 28 February 2019

COURT A**28. Bergrivier Municipality v Rhynardt Van Ryn Beck**

1269/2017 (WCC)

1 12 14 16 24

Navsa AP
Zondi JA
Mathopo JA
Mocumie JA
Eksteen AJA

COURT B**29. Petrus Jacobus Maryn Van Staden NO & others v Pro-Wiz Group (Pty) Ltd**

412/2018 (GP)

8 17 18 19 25

Wallis JA
Makgoka JA
Schippers JA
Mokgohloa AJA
Rogers AJA

COURT C

Friday: 1 March 2019

COURT A

30. CDH Invest NV v Petrotank South Africa (Pty) Ltd & others

483/2018 (GJ)

3 9 20 22 25

Ponnan JA
Saldulker JA
Davis AJA
Carelse AJA
Rogers AJA

COURT B**31. Clicks Retailers (Pty) Limited v Killarney Mall Properties (Pty) Limited**

229/2018 (GP)

4 11 13 14 21

Cachalia JA
Mbha JA
Dambuza JA
Mathopo JA
Dlodlo AJA

COURT C**32. Jalite (Proprietary) Limited v Shanghai Furniture Import & Export CC**

223/2018 (GJ)

5 12 16 19 23

Leach JA
Zondi JA
Mocumie JA
Mokgohloa AJA
Matojane AJA

Monday: 4 March 2019

COURT A**33. JJPC Brand Administrators & another v P Lombard & others**

1223/2017 (LT)

1 6 8 15 24

Navsa AP
Tshiqi JA
Wallis JA
Van der Merwe JA
Eksteen AJA

COURT B**34. Deeps Betting Grounds (Pty) Ltd v The Northern Cape Gambling Board**

492/2018 (NCK)

2 17 18 22 23

Lewis ADP
Makgoka JA
Schippers JA
Carelse AJA
Matojane AJA

COURT C

35. M Visagie & Associates CC & another v Small Enterprises Finance Agency

Ltd

262/2018 (WCC)

7 10 12 16 25

Majiedt JA
Swain JA
Zondi JA
Mocumie JA
Rogers AJA

Tuesday: 5 March 2019

COURT A

36. Mount Edgecombe Country Club Estate Management Association II (RF)

NPC v Niemesh Singh & others

323/2018 (KZP)

3 9 10 18 25

Ponnan JA
Saldulker JA
Swain JA
Schippers JA
Rogers AJA

COURT B

37. Anton De Waal Alberts & others v Daniel Jacobus Louis Nel N O

128/2018 (GP)

5 6 12 20 24

Leach JA
Tshiqi JA
Zondi JA
Davis AJA
Eksteen AJA

COURT C

38. Kelopile Getruida Motsumi v Azurapix (Pty) Ltd

322/18 (FB)

7 8 11 13 15

Majiedt JA

Wallis JA
Mbha JA
Dambuza JA
Van der Merwe JA

Wednesday: 6 March 2019

COURT A

**39. Petrus Wilhelm Terblance v Minister of Water and Environmental Affairs
081/2018 (GP)**

1 5 16 19 21

Navsa AP
Leach JA
Mocumie JA
Mokgohloa AJA
Dlodlo AJA

COURT B

**40. Moto Health Care Medical Scheme v HMI Healthcare Corporation (Pty) Ltd
& others**

341/2018 (GP)

3 18 20 24 25

Ponnan JA
Schippers JA
Davis AJA
Eksteen AJA
Rogers AJA

COURT C

**41. Skycap Investments 110 CC v Livinafrica (Pty) Ltd & others
433/2018 (WCC)**

4 9 11 14 17

Cachalia JA
Saldulker JA
Mbha JA
Mathopo JA
Makgoka JA

Thursday: 7 March 2019

COURT A

**42. Phaswana Stephen Ratlou v Man Financial Services (SA) (Pty) Ltd
1309/2017 (GJ)**

2 10 13 22 23

Lewis ADP
Swain JA
Dambuza JA
Carelse AJA
Matojane AJA

COURT B

43. Andries Petrus Burgers v The Land and Agricultural Development Bank of South Africa & another
194/2018 (LP)

3 9 14 19 20

Ponnan JA
Saldulker JA
Mathopo JA
Mokgohloa AJA
Davis AJA

COURT C

44. Firststrand Bank Ltd v Nedbank Ltd
1249/17 (GP)

4 11 15 21 25

Cachalia JA
Mbha JA
Van der Merwe JA
Dlodlo AJA
Rogers AJA

Friday: 8 March 2019

COURT A

45. The Director General of the Department of Home Affairs & others v De Saude Attorneys & another
1211/2017 (WCC)

1 7 17 22 23

Navsa AP
Majiedt JA
Makgoka JA
Carelse AJA
Matojane AJA

COURT B

46. Africa Automotive Aftermarket Solutions (Pty) Ltd t/a Midas v Thornhill Shopping Centre (Pty) Ltd
1311/2017 (LT)

2 5 6 16 21

Lewis ADP
Leach JA
Tshiqi JA
Mocumie JA
Dlodlo AJA

COURT C**47. Born Free Investments 247 (Pty) Ltd v Pierre Du Plessis Kriel NO**

1183/17 (WCC)

8 12 14 18 19

Wallis JA
Zondi JA
Mathopo JA
Schippers JA
Mokgohloa AJA

Monday: 11 March 2019**COURT A****48. Jose Pebro Morais Carneiro v The State**

425/18 (GJ)

2 8 14 20 25

Lewis ADP
Wallis JA
Mathopo JA
Davis AJA
Rogers AJA

COURT B**49. Nceba Tyhulu v The State**

810/2018 (WCC)

4 11 16 21 23

Cachalia JA
Mbha JA
Mocumie JA
Dlodlo AJA
Matojane AJA

COURT C**50. Mohammed Sani Aliko v The State**

552/2018 (ECG)

5 13 15 22 24

Leach JA
Dambuza JA
Van der Merwe JA
Carelse AJA
Eksteen AJA

Tuesday: 12 March 2019**COURT A****51. Robin Tendai Vela v Efora Energy Limited (formerly known as SacOil**

Holdings Limited)
385/2018 (GJ)

1 13 17 20 24

Navsa AP
Dambuza JA
Makgoka JA
Davis AJA
Eksteen AJA

COURT B

52. John Tutton v The State

294/18 (KZP)

6 9 12 18 21

Tshiqi JA
Saldulker JA
Zondi JA
Schippers JA
Dlodlo AJA

COURT C

53. Jason Naidoo v The State

333/2018 (WCC)

7 15 16 22 23

Majiedt JA
Van der Merwe JA
Mocumie JA
Carelse AJA
Matojane AJA

Wednesday: 13 March 2019

COURT A

54. Nishal Gunas v The State

819/18 (KZP)

4 11 21 22 23

Cachalia JA
Mbha JA
Dlodlo AJA
Carelse AJA
Matojane AJA

COURT B

55. Neville Charles Cooper v The State

285/2018 (WCC)

6 9 13 16 19

Tshiqi JA
Saldulker JA

Dambuza JA
Mocumie JA
Mokgohloa AJA

COURT C**56. Njabulo Mkhize & others v The State****390/2018 (KZP)****7 10 14**

Majiedt JA
Swain JA
Mathopo JA

Thursday: 14 March 2019

COURT A**57. Nico Viljoen v The State****663/2018 (NCK)****1 15 18**

Navsa AP
Van der Merwe JA
Schippers JA

COURT B**58. Casparus Janse van Rensburg v The Minister of Police****424/2018 (GP)****3 5 25**

Ponnan JA
Leach JA
Rogers AJA

COURT C**59. The Director of Public Prosecutions, KwaZulu-Natal v Donovan Mark
Ramdass****1236/2017 (KZD)****8 10 19**

Wallis JA
Swain JA
Mokgohloa AJA

Friday: 15 March 2019

COURT A

60. Sizazonke Electrical CC & another v Eskom Holdings SOC Limited

222/2018 (GP)

6 11 12 20 22

Tshiqi JA
Mbha JA
Zondi JA
Davis AJA
Carelse AJA

COURT B**61. Mamela Maqhula v The State**

508/2018 (ECG)

7 14 16 17 19

Majiedt JA
Mathopo JA
Mocumie JA
Makgoka JA
Mokgohloa AJA

COURT C

Monday: 18 March 2019

COURT A**62. Dennegeur Estate Home Owners Association & another v Telkom SA SOC**

Ltd

366/208 (WCC)

2 3 12 21 24

Lewis ADP
Ponnan JA
Zondi JA
Dlodlo AJA
Eksteen AJA

COURT B**COURT C**

Tuesday: 19 March 2019

COURT A**63. The South African Municipal Workers' Union National Provident Fund v Umzimkhulu Local Municipality & others**

297/2018 (KZP)

2 6 10 15 21

Lewis ADP
Tshiqi JA
Swain JA
Van der Merwe JA
Dlodlo AJA

AND

**64. Municipal Employees Pension Fund & another v SAMWU National
Provident Fund & another
1412/2018 (ECM)**

2 6 10 15 21

Lewis ADP
Tshiqi JA
Swain JA
Van der Merwe JA
Dlodlo AJA

COURT B

COURT C

Wednesday: 20 March 2019

COURT A

COURT B

COURT C

Thursday: 21 March 2019

PUBLIC HOLIDAY

Friday: 22 March 2019

COURT A

COURT B

COURT C

Monday: 25 March 2019

COURT A

COURT B

COURT C

Tuesday: 26 March 2019

COURT A

COURT B

COURT C

Wednesday: 27 March 2019

COURT A

COURT B

COURT C

Thursday: 28 March 2019

COURT A

COURT B

COURT C

Friday: 29 March 2019

COURT A

COURT B

COURT C