



JUDICIAL CONDUCT COMMITTEE

Ref no: JSC/1157/23

In the matter between:

MR DEESHAN MOODLEY

COMPLAINANT

and

JUDGE LEICESTER ADAMS

RESPONDENT

Date: 22 October 2024

Decision: The appeal is dismissed.

RULING

**THE JUDICIAL CONDUCT COMMITTEE (SHONGWE, SALDULKER
AND MABINDLA-BOQWANA JJA)**

[1] This is an appeal in terms of section 15(5) of the Judicial Service Commission Act of 1994 (the Act). The appeal was lodged against the decision of the Acting Chairperson of the Judicial Conduct Committee (Committee) in terms of which the complaint that was filed by Mr D Moodley (complainant) was dismissed. The

complaint was lodged against Judge Adams (respondent). It was dismissed on the grounds that it related solely to the merits of a judgment or order. Section 15(2) of the Act obliges the Acting Chairperson of the Committee to dismiss a complaint if it lies within the grounds listed in that section.

[2] From the papers it appears that the complaint was as follows: An application for summary judgment was brought in the Gauteng Division of the High Court, Johannesburg by Absa Home Loan Guarantee Co (RF) (Pty) Limited and Absa Bank Limited against Mr Moodley in the amount of R1,781 490,73, together with interest and an order that the immovable property of the complainant be declared specially executable. It was not in dispute that the complainant was in breach of a loan agreement where a mortgage bond was registered in favour of Absa Home Loan for an amount of R1,7 million and an additional sum of R340,000 over the complainant's immovable property. The matter came before Judge Adams on the 24 May 2023, who granted an order dismissing Mr Moodley's application for a postponement of the summary judgment. However, he granted an order in the main foreclosure application against Mr Moodley.

[3] It appears from the judgment that Mr Moodley did not appear in court on 24 May 2023. The complainant's sister responded in an email that the complainant was unwell and requested a postponement. As the matter could be decided on the papers Judge Adams refused the postponement. In Judge Adams' view no purpose would have been served by hearing oral submissions from the complainant.

[4] Aggrieved by the dismissal of the postponement application and the granting of the summary judgment, Mr Moodley reported Judge Adams to the Judicial Conduct Committee, and it appears that this complaint was then used as a basis for launching

a rescission application of the order granted by Judge Adams. In response, Absa Bank served a Rule 30 Notice since the rescission application did not comply with the Rules of Court.

[5] However, it appears that neither the rescission nor the Rule 30 application have been allocated to be heard. The crux of Mr Moodley's complaint is that Judge Adams did not follow legal procedures, and the judgment was, *inter alia*, biased, unfair and prejudicial to him, and the order had to be 're-looked at and set aside.' In response to the complaint Judge Adams forwarded a copy of his judgment to the Committee, in which he states the reason for the complainant's grievance is related to his judgment.

[6] As mentioned, the Acting Chairperson dismissed the complaint on the basis that it solely related to the merits of the judgment and was not based on the grounds listed in section 14(4) of the Act. A perusal of the complaint suggests that it is not founded on any of the grounds listed in section 14(4) of the Act. The complaint is solely related to the merits of the judgment by Judge Adams. The Acting Chairperson correctly dismissed it in terms of section 15(2).

[7] Accordingly, the appeal is dismissed.



THE JUDICIAL CONDUCT COMMITTEE