



## JUDICIAL CONDUCT COMMITTEE

### Summary of the Ruling delivered by the Judicial Conduct Committee

*The following summary is for the benefit of the public in the reporting of this matter.*

**Citation** : Mkhize v Judge Nkosi (Ref No.: JSC/1028/2022)

**Date issued** : 26 July 2024

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[1] This appeal was lodged by the complainant against the decision of the Acting Chairperson of the Judicial Conduct Committee (the Committee) in terms of which the complaint against Judge Mfuniselwa Nkosi of the KwaZulu-Natal Division of the High Court was dismissed on the grounds that it lacked substance and did not fall within the ambit of the Judicial Service Commission Act<sup>1</sup> (the Act).

[2] The complainant lodged a complaint against Judge Nkosi with the Committee based on the grounds that at the hearing of his case the Judge exhibited conduct that led to a reasonable apprehension that the Judge was not impartial and; that at the time of the litigation was instituted against the complainant the Judge was still a partner in the law firm that represented the applicant and when the Judge presided over the matter the case had been pending for a year in the high court and the Judge had not completed a year as a Judge.

[3] The Committee concluded that the complaint ought not to have been summarily dismissed and that there should have been an inquiry into its merits. Accordingly, the complaint was referred to the Acting Chairperson for an inquiry in terms of section 17.

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<sup>1</sup> Act 9 of 1994.