



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 : Nyezi v Judge Moosa (Ref No.: JSC/903/21)

Date issued : 26 July 2024

[1] This is an appeal against the decision of Judge President Mlambo (JP) of the Gauteng Division of the High Court in terms of which a complaint that was lodged by the complainant against Judge Moosa was dismissed on the ground that it was frivolous and lacked substance as envisaged in section 15(2)(d) of the Judicial Service Commission Act¹ (the Act).

[2] The complainant was involved in litigation in the Gauteng Division of the High Court and the parties concluded a settlement agreement which was later made an order of court. However, the complainant and other respondents failed to honour their obligation, and their opponent approached the court again seeking to enforce the order in his favour. At the conclusion of the hearing, judgment was reserved, and the court was adjourned. The court later delivered its judgment in favour of his opponents. More than a year later, the complainant lodged a complaint against Judge Moosa alleging that the Judge had a meeting with the applicant's legal team in his absence after the court had adjourned and asserted that they enjoyed tea together and argues that this conduct by the Judge was in breach of article 10(f) and (i) of the Code².

[3] The complainant's appeal papers failed to address the decision by JP Mlambo against which he was appealing, nor did he deal with the ground upon which his complaint was dismissed. Moreover, he failed to establish that the meeting he alluded to had taken place. In the circumstances, the appeal was dismissed.

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¹ Act 9 of 1994.

² Code of Judicial Conduct.