



JUDICIAL CONDUCT COMMITTEE

Ref Nos: JSC/160/03/2025
JSC/161/03/2025

In the matter between:

MR PHILANI GODFREY MAVUNDLA

FIRST COMPLAINANT

MR MFUNDO MASONDO

SECOND COMPLAINANT

and

JUDGE E BEZUIDENHOUT

RESPONDENT

Date: 07 July 2026

- Decision:**
- a. The complaints are established to the limited extent that the respondent's delay in furnishing reasons in case number 8441/2024 constituted a grossly negligent breach of Article 9(a)(iii), read with Note 9(ii), and Article 10(1)(a), (c), (d) and (g) of the Code of Judicial Conduct.
 - b. The remaining allegations are dismissed.
 - c. In terms of section 17(8)(a) of the Judicial Service Commission Act 9 of 1994, Judge Bezuidenhout is directed to tender a written apology to Mr Mavundla and Mr Masondo for the delay in furnishing reasons in case number 8441/2024. The written apology must be provided to the Secretariat for onward

transmission to the complainants within 30 days of receipt of this ruling.

RULING

THE JUDICIAL CONDUCT COMMITTEE (MLAMBO DCJ)

Introduction

[1] Mr Mavundla and Mr Masondo lodged separate complaints with the Judicial Conduct Committee (“the JCC”) against Judge E Bezuidenhout of the KwaZulu-Natal Division of the High Court, Pietermaritzburg. Both complaints arise from the same cluster of urgent municipal litigation and concern the respondent’s handling of related reconsideration proceedings. They overlap substantially, particularly in relation to the delay in furnishing reasons after the order of 24 June 2024, although Mr Mavundla’s complaint raises additional allegations concerning the respondent’s conduct during the proceedings.

[2] The complaints were considered by me and were directed to be dealt with in terms of section 17 of the Judicial Service Commission Act 9 of 1994 (“the Act”).¹ They are dealt with in one ruling because they concern the same respondent, the same sequence of proceedings, the same delayed reasons in case number 8441/2024, and overlapping allegations of bias, unfair treatment and irregular conduct.

¹ Section 17(1) and (2) of the Act provides, “If—

- (a) the Chairperson is satisfied that, in the event of a valid complaint being established, the appropriate remedial action will be limited to one or more of the steps envisaged in subsection (8); or
 - (b) a complaint is referred to the Chairperson in terms of section 15 (1) (b) or section 16 (4) (a), or section 18 (4) (a) (ii), the Chairperson or a member of the Committee designated by the Chairperson must inquire into the complaint in order to determine the merits of the complaint.
- (2) Any inquiry contemplated in this section must be conducted in an inquisitorial manner and there is no onus on any person to prove or to disprove any fact during such investigation.”

[3] The respondent was invited to respond to the complaints. She requested and was granted an extension and filed a consolidated response dated 9 February 2026. The complainants were thereafter invited to comment on the response. I have considered the complaints, the respondent's response, the complainants' further submissions, and the material placed before me.

[4] Section 17 requires an inquisitorial inquiry into the merits of the complaint. On the information obtained in terms of section 17(3),² I must determine whether the complaints should be dismissed, whether a complaint has been established and a remedial step under section 17(8) should be imposed, or whether a recommendation should be made that the complaint be investigated by a Tribunal.³

The Complaint

[5] The underlying litigation concerned disputes within the Umvoti Municipality. The full history of that litigation is not necessary for present purposes. The facts

² Section 17(3) of the Act provides, "[f]or the purpose of an inquiry referred to in subsection (2), the Chairperson or member concerned—

- (a) must invite the respondent to respond in writing or in any other manner specified, and within a specified period, to the allegations;
- (b) may obtain, in the manner that he or she deems appropriate, any other information which may be relevant to the complaint; and
- (c) must invite the complainant to comment on any information so obtained, and on the response of the respondent, within a specified period."

³ Section 17(4) of the Act provides, "[i]f, pursuant to the steps referred to in subsection (3), the Chairperson or member concerned is satisfied that there is no reasonable likelihood that a formal hearing on the matter will contribute to determining the merits of the complaint, he or she must, on the strength of the information obtained by him or her in terms of subsection (3)—

- (a) dismiss the complaint;
- (b) find that the complaint has been established and that the respondent has behaved in a manner which is unbecoming of a judge, and impose any of the remedial steps referred to in subsection (8) on the respondent; or
- (c) recommend to the Committee, to recommend to the Commission that the complaint should be investigated by a Tribunal."

material to this ruling are the facts bearing on the alleged misconduct: the respondent's handling of the urgent proceedings and, in particular, the time taken to furnish reasons in case number 8441/2024.

[6] On 19 June 2024, related urgent matters, including case numbers 7940/2024, 8441/2024 and 8928/2024, were before the respondent. Case number 7940/2024 has been described in the record as the first reconsideration application. Case number 8441/2024 is described as the second reconsideration application, although the respondent states that its procedural character was debated during the hearing. That matter concerned the reconsideration of the rule *nisi* granted by Keshav AJ on 28 May 2024, with interim relief, in the municipal dispute involving Mr Mavundla and Mr Masondo.

[7] The delay issue arises from the second reconsideration application under case number 8441/2024. The respondent heard that matter on 19 June 2024. On 24 June 2024, she delivered an order discharging the rule granted by Keshav AJ and stated that reasons would follow in due course. The reasons were delivered on 19 June 2025.

[8] Both complaints were dated 9 March 2025. They were therefore lodged at a time when the order in case number 8441/2024 had been delivered, but the reasons for that order had not yet been furnished.

[9] Mr Masondo's complaint is directed principally at the delay in furnishing reasons. He alleges that the delay was unjustified, breached the Code of Judicial Conduct ("the Code"), and deprived him of a proper opportunity to pursue an appeal.

He also alleges that the respondent threatened his legal representatives and subjected them to undue verbal attacks during the proceedings.

[10] Mr Mavundla's complaint is broader. He also relies on the delay in furnishing reasons, but alleges further that the respondent acted unfairly, displayed bias, improperly dealt with the anticipated urgent applications, belittled or humiliated his legal representative, and failed to follow proper court procedures. He also complains about the effect of the respondent's orders, which he says left him and Mr Masondo without legal protection and caused prejudice in the municipal leadership dispute.

[11] Many of the allegations made by Mr Mavundla are founded on or repeat matters raised in a review application which was subsequently withdrawn. I do not determine the correctness of the respondent's orders, the correctness of her refusal of leave to appeal in case number 7940/2024, or the merits of the withdrawn review application. The present inquiry is confined to whether the material before me establishes judicial misconduct within the meaning of the Act and the Code.

The Response

[12] The respondent denies misconduct. She explains that the proceedings formed part of a series of urgent applications arising from the same municipal leadership dispute. According to her, the first reconsideration application had a material bearing on the second reconsideration application. She states that once she rescinded the order granted by Singh AJ and discharged the first rule, there was no longer an interdict prohibiting the meeting of 21 May 2024. On her account, this affected the foundation of the relief sought in the second matter and rendered the second reconsideration application moot or academic.

[13] The respondent also denies that she treated the complainants' legal representatives improperly. She denies that she belittled or humiliated Ms Pillay, and says that Ms Pillay had difficulty answering questions which the respondent considered pertinent to the issues before the court. She states that the application papers were defective and that her questions were directed at understanding the issues and testing the submissions advanced. In relation to the second matter, she states that she permitted Mr Pillay to make submissions despite the fact that he was not on brief, that she respected his input, and that their interaction took place in good spirit. She also denies that she displayed bias in open court, threatened the complainants' attorneys, or failed to follow the prescribed procedures of the court.

[14] The respondent accepts that the reasons in case number 8441/2024 were delivered only on 19 June 2025. She states, however, that she did not refuse to furnish reasons. She explains that after the hearing on 19 June 2024, she indicated to counsel that she would be travelling overseas for approximately three weeks, but hoped to hand down an order by the Friday, with reasons to follow. She delivered the order on 24 June 2024 and stated that reasons would follow in due course. Mr Mavundla's legal representatives thereafter sent enquiries on 2, 9 and 24 July 2024 regarding the reasons in both reconsideration applications. According to the respondent, her registrar responded by indicating that the respondent was overseas, that reasons would follow in due course, and that the parties would be informed when they were ready. The respondent delivered the reasons in the first reconsideration application electronically on 16 August 2024.

[15] The respondent states that no further requests or reminders were received after 16 August 2024 in respect of the reasons in the second reconsideration application.

She also states that Mr Mavundla thereafter pursued an application for leave to appeal in the first reconsideration application. In preparing the judgment in that application, she became concerned that several authorities relied upon by Mr Mavundla's legal representatives could not be found. She requested assistance from court researchers and a colleague, convened further hearings on 22 and 25 September 2024, and ultimately delivered judgment refusing leave to appeal on 8 January 2025. She states that the events arising from the disputed authorities, the possible professional consequences for the practitioners involved, and the publicity that followed her judgment formed part of the context in which the reasons in the second reconsideration application did not receive her full attention.

[16] The respondent further explains that, during the relevant period, her ability to complete the outstanding reasons was affected by significant health-related difficulties. She states that, for approximately a year and a half before her surgeries, she experienced chronic and severe pain in her right hand, arm, elbow and shoulder, arising from arthritis and a chronic overuse injury. She explains that she is right-handed, that she has historically drafted pleadings and judgments by hand, and that both writing and typing became extremely painful, particularly after court days when she had recorded evidence in her bench book. She states that she underwent surgery to her right shoulder and right elbow on 12 March 2025, was off work until 18 May 2025, and was unable to work for a considerable period during her recovery because of pain medication and the limited use of her hands. She states that she had worked on the reasons before her surgeries, but that they did not receive her full attention, and that she resumed work on them during May and June 2025. When the JCC enquiry concerning Mr Masondo's complaint was brought to her attention in June 2025, she advised that the reasons had been sent to the researchers. The reasons were delivered electronically on 19 June 2025.

[17] Finally, the respondent expressly regrets the delay in handing down the reasons in the second reconsideration application, but asks that her explanation be taken into account. She states that the delay is not excused by the absence of further requests or reminders. In relation to the remaining allegations, she denies that she showed bias in open court, threatened the complainants' attorneys, failed to follow the prescribed procedures of the court, caused Mr Mavundla to be removed from office, or brought the justice system into disrepute. She states that she has always conducted herself with integrity, impartiality and professionalism, and submits that the remaining allegations in the complaints and in the withdrawn review application are without merit.

Applicable Legal Framework

[18] Section 12(5) of the Act provides that the Code serves as the prevailing standard of judicial conduct which Judges must adhere to.⁴ A complaint against a Judge must, however, be based on one or more of the grounds set out in section 14(4) of the Act and must specify the nature of the complaint and the facts on which it is based.⁵

⁴ Section 12(5) provides, "[t]he Code shall serve as the prevailing standard of judicial conduct, which judges must adhere to, and the Code and every subsequent amendment must be published in the *Gazette*."

⁵ Section 14(4) of the Act provides, "[t]he grounds upon which any complaint against a judge may be lodged, are any one or more of the following:

- (a) Incapacity giving rise to a judge's inability to perform the functions of judicial office in accordance with prevailing standards, or gross incompetence, or gross misconduct, as envisaged in section 177 (1) (a) of the Constitution;
- (b) Any wilful or grossly negligent breach of the Code of Judicial Conduct referred to in section 12, including any failure to comply with any regulation referred to in section 13 (5);
- (c) Accepting, holding or performing any office of profit or receiving any fees, emoluments or remuneration or allowances in contravention of section 11;
- (d) Any wilful or grossly negligent failure to comply with any remedial step, contemplated in section 17 (8), imposed in terms of this Act; and

[19] For present purposes, the principal statutory ground is section 14(4)(b), which recognises as a ground of complaint any wilful or grossly negligent breach of the Code. Article 2(3) of the Code is to the same effect.⁶ Section 14(4)(e) also includes any other wilful or grossly negligent conduct, other than conduct contemplated in section 14(4)(a) to (d), that is incompatible with or unbecoming the holding of judicial office, including conduct prejudicial to the dignity, accessibility, efficiency or effectiveness of the courts.

[20] The statutory threshold is therefore important. The Act does not make every breach of the Code disciplinary misconduct. It requires a wilful or grossly negligent breach. A wilful breach involves deliberate conduct inconsistent with the Code or with the duties of judicial office. Gross negligence is materially more serious than ordinary negligence, error, misjudgment or imperfect case management. In the present context, it requires a serious departure from the standard of diligence and responsibility required by the Code.

[21] Article 9(a)(iii) of the Code requires a judge, as part of the duty to resolve disputes in a fair hearing, to give adequate reasons for any decision. Note 9(ii) provides that where reasons are reasonably required, they must be given within a reasonable time.⁷ Article 10 requires a judge to perform assigned judicial duties

(e) Any other wilful or grossly negligent conduct, other than conduct contemplated in paragraph (a) to (d), that is incompatible with or unbecoming the holding of judicial office, including any conduct that is prejudicial to the independence, impartiality, dignity, accessibility, efficiency or effectiveness of the courts.”

⁶ Article 2(3) of the Code provides, “[a]ny wilful or grossly negligent breach of this Code is a ground upon which a complaint against a judge may be lodged in terms of section 14 (4) (b) of the Act.”

⁷ Article 9(ii) provides, “[r]easons for decisions must be clear, cogent, complete and succinct. A number of decisions do not necessarily require reasons, e.g. unopposed cases and interlocutory rulings, because the reasons are usually self evident. If reasons in such cases are later reasonably required, they must be given within a reasonable time.”

diligently,⁸ to dispose of the business of the court promptly and in an efficient and businesslike manner,⁹ to give judgment or any ruling promptly and without undue delay,¹⁰ and to perform official duties properly, timeously and in an orderly manner.¹¹ Note 10(ii) records that litigants are entitled to judgment as soon as reasonably possible.

[22] Reasons are not a mere administrative formality. They give effect to the duties of transparency, fair hearing and diligence reflected in the Code. They enable parties to understand the basis of the order, to consider whether any further procedural step is available, and to maintain confidence that the matter was judicially considered. Where an order is delivered with reasons to follow, the later furnishing of reasons remains part of the judicial function and must be attended to within a reasonable time.

[23] At the same time, Note 9(v) to the Code draws a necessary boundary between judicial discipline and appeal or review. It records that errors of fact or law are to be dealt with through the normal appeal and review procedures, and that complaints related to the merits of a decision or procedural ruling are to be dismissed at the outset. Disenchantment about a judicial decision does not, without more, justify disciplinary proceedings.

[24] Note 9(i) also recognises that the duty to grant a fair hearing does not preclude a judge from keeping a firm hand on proceedings. Judges may question counsel, test submissions, scrutinise applications for real merit and require legal representatives

⁸ Article 10(1)(a).

⁹ Article 10(1)(c).

¹⁰ Article 10(1)(d).

¹¹ Article 10(1)(g).

to address issues which concern the court. Robust judicial engagement is not misconduct merely because a party or legal representative experiences it as uncomfortable.

[25] Section 17(2) of the Act provides that an inquiry under section 17 is inquisitorial and that there is no onus on any person to prove or disprove any fact. That does not permit a finding of misconduct on assumption, speculation or dissatisfaction alone. It means that the Chairperson or designated member is not confined to an adversarial burden of proof and may obtain information in the manner contemplated by section 17(3). The decision must still be made on the strength of information capable of supporting the finding made.

Evaluation

[26] I first deal with the aspects of the complaints which attack the correctness of the respondent's orders, the procedure she adopted in the underlying proceedings, or her reasoning in the related judgments. Those complaints are not for determination by the JCC. If the respondent erred in her approach to the reconsideration applications, in the effect she gave to the earlier orders, in her treatment of the municipal dispute, or in her refusal of leave to appeal in related proceedings, those are matters for the processes provided by law in the litigation. They do not, without more, establish misconduct.

[27] The same applies to the allegations framed as irregularity, unfairness, breach of transparency or failure to afford a fair hearing insofar as they are, in substance, objections to the order that was granted or to the respondent's legal reasoning. Articles 8 and 9 of the Code cannot be used to convert an appeal or review complaint

into a disciplinary complaint unless there is material showing wilful or grossly negligent conduct by the judge beyond the merits of the judicial decision.

[28] The allegations of bias, threats, humiliation and improper treatment of legal representatives are serious. They must therefore be assessed carefully, but also on the material before me. The respondent denies those allegations. The transcript and related material show that the respondent questioned the complainants' legal representatives firmly and, at times, interrupted them during argument. However, the material does not establish that she acted from personal spite, ill will, bias, prejudice or an ulterior motive. At most, it shows robust judicial engagement in urgent and contentious proceedings. It does not establish that the engagement crossed the line into wilful or grossly negligent misconduct.

[29] I accept that the complainants and their legal representatives took exception to aspects of the respondent's interventions and later judgment. That is not enough for disciplinary purposes. A Judge may be firm, may ask difficult questions, and may require counsel to address perceived weaknesses in a case. The disciplinary question is not whether the hearing was comfortable, or whether the respondent's comments were welcomed, but whether the information establishes conduct incompatible with judicial office at the statutory threshold of wilfulness or gross negligence. On this record, it does not.

[30] To the extent that Mr Mavundla's complaint, insofar as it incorporates the withdrawn review application, challenges the respondent's treatment of the non-existent or disputed authorities relied upon in the related leave to appeal proceedings, the material also does not establish misconduct. The Code itself recognises, in Article 16, that a Judge who has clear and reliable evidence of serious

professional misconduct or gross incompetence on the part of a legal practitioner must inform the relevant professional body. I do not decide whether every step taken by the respondent in the related proceedings was correct. It is sufficient to say that the material before me does not establish that the respondent's conduct in raising and dealing with that issue amounted to a wilful or grossly negligent breach of the Code.

[31] The delay in furnishing reasons in case number 8441/2024 stands on a different footing. The respondent delivered the order on 24 June 2024 and expressly stated that reasons would follow. The reasons were delivered only on 19 June 2025, almost a year later. The matter was urgent. The reasons were reasonably required. A delay of that length in furnishing reasons for an urgent order is a serious matter.

[32] I accept that the respondent has provided an explanation which gives context to the delay. The related proceedings were factually and procedurally difficult. The first reconsideration application had to be dealt with. The leave to appeal proceedings in that matter generated further work and concern. The respondent also experienced significant health difficulties, underwent surgery on 12 March 2025, and was recovering for a period thereafter. Those matters are relevant and mitigating. They also support the conclusion that the delay has not been shown to be wilful.

[33] Those matters do not, however, adequately answer the Article 9 and Article 10 concern. The respondent's duty to furnish reasons within a reasonable time remained her duty. The fact that there were no repeated requests after August 2024 did not relieve her of that duty. Once it became apparent that the reasons in an urgent matter would be substantially delayed, the Code required the delay to be actively and responsibly managed.

[34] The response does not show that, before the JCC correspondence in June 2025, the respondent proactively informed the Head of Court that the reasons in case number 8441/2024 remained outstanding, sought guidance or assistance, informed the parties of a realistic timeframe, or otherwise took documented steps to manage the delay. The registrar's July 2024 responses that reasons would follow in due course were an initial communication. They could not reasonably sustain a delay of almost a year.

[35] The chronology is also relevant. Correspondence from the JCC concerning Mr Masondo's complaint was brought to the respondent's attention in June 2025, and she was asked whether the reasons had been handed down and, if not, when they would be handed down. The respondent advised that the reasons had been sent to the researchers on 18 June 2025, and they were delivered on 19 June 2025. I do not infer from this that the respondent deliberately withheld reasons. The narrower point is that, by the time the JCC correspondence was sent, the reasons had remained outstanding for almost a year, and the record does not show adequate proactive management of that delay before that correspondence.

[36] In all the circumstances, I am satisfied that the delay in furnishing reasons constituted a grossly negligent breach of the Code. The gross negligence lies not simply in missing an internal or desirable deadline. It lies in the cumulative facts that the matter was urgent; reasons were expressly deferred; reasons were reasonably required; the delay approached a full year; the reasons remained outstanding long after the July 2024 enquiries and the August 2024 delivery of reasons in the first reconsideration application; and the respondent's explanation, while mitigating,

does not show that the delay was actively managed in accordance with the standard required by Articles 9 and 10 of the Code.

[37] The finding must nevertheless remain confined to what is established. The material does not establish that the respondent deliberately refused to provide reasons, acted with bias or malice, or intended to defeat an appeal. It also does not establish gross misconduct, incapacity or gross incompetence warranting a recommendation that the matter be investigated by a Tribunal. The reasons have been delivered, the respondent engaged with the section 17 process, provided an explanation, and expressed regret for the delay.

[38] The appropriate remedial step is a written apology in terms of section 17(8)(a) of the Act. That remedy recognises the seriousness of the delay and the importance of prompt reasons. It is also proportionate to the mitigating circumstances, including the respondent's explanation, the eventual delivery of reasons, the absence of a finding of wilfulness, and the absence of material establishing a broader pattern of delayed judgments or reasons.

Conclusion

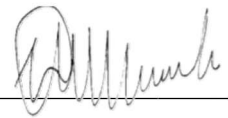
[39] The complaints are therefore established only to the limited extent that the respondent's delay in furnishing reasons in case number 8441/2024 constituted a grossly negligent breach of Article 9(a)(iii), read with Note 9(ii), and Article 10(1)(a), (c), (d) and (g) of the Code, and amounted to conduct unbecoming of a judge for purposes of section 17(4)(b) of the Act.

[40] The remaining allegations are not established. They are dismissed.

Ruling

[41] The following ruling is made:

- a. The complaints are established to the limited extent that the respondent's delay in furnishing reasons in case number 8441/2024 constituted a grossly negligent breach of Article 9(a)(iii), read with Note 9(ii), and Article 10(1)(a), (c), (d) and (g) of the Code of Judicial Conduct.
- b. The remaining allegations are dismissed.
- c. In terms of section 17(8)(a) of the Judicial Service Commission Act 9 of 1994, the respondent is directed to tender a written apology to Mr Mavundla and Mr Masondo for the delay in furnishing reasons in case number 8441/2024. The written apology must be provided to the Secretariat for onward transmission to the complainants within 30 days of receipt of this ruling.



THE JUDICIAL CONDUCT COMMITTEE