



JUDICIAL CONDUCT COMMITTEE

Ref No: JSC/227/08/2025

In the matter between:

MOMPATI MAHURA

COMPLAINANT

and

JUDGE ANDREW REDDY

RESPONDENT

Date: 8 October 2026

Decision: In terms of section 16(4)(a) of the Judicial Service Commission Act, 9 of 1994, as amended, the complaint is referred to the Acting Chairperson for an inquiry envisaged in section 17(2).

RULING

THE JUDICIAL CONDUCT COMMITTEE (JAFTA J, MAJIEDT J AND MABINDLA-BOQWANA JP)

Introduction

[1] This matter is before us in terms of section 16(1)(a) of the Judicial Service Commission Act, 9 of 1994, as amended (the Act).¹ We must consider whether

¹ Section 16(1)(a) of the Act reads:

to recommend to the Judicial Service Commission (JSC) that a complaint laid by Mr Mompati Mahura against Judge Andrew Reddy of the North West Division of the High Court (the respondent Judge) be investigated and reported on by a Tribunal. After consideration of the complaint, the Acting Chairperson referred it to the Judicial Conduct Committee (JCC) in terms of section 16(1)(a) of the Act.

[2] The complaint concerns a delayed judgment in a case the respondent Judge heard on 18 October 2024. Mr Mahura laid the complaint on 21 August 2025, on behalf of the fourth respondent in the case, his late father, Mr Bogosieng Vincent Mahura, who he says at the time was sickly and had been repeatedly confined to hospital. The fourth respondent passed away recently. The complainant states that the respondents in the case, particularly respondents four and five (the Mahura Royal Family), had been adversely affected by the delay due to the high legal fees and because the matter was urgent in determining the chieftainship of the Dithakwaneng Village community.

Background

[3] On 18 October 2024, Judge Reddy presided in the High Court over a matter with case number M66/2022. The judgment was handed down on 12 December 2025, almost four months after the complainant lodged the complaint on 21 August 2025. The matter concerned interdictory relief to ensure compliance with the provisions of section 19(3) of the North West Traditional Leadership and Governance Act, 2 of 2005.

“16. (1) If the Chairperson is satisfied that, in the event of a valid complaint being established, it is likely to lead to a finding by the Commission that the respondent suffers from an incapacity, is grossly incompetent or is guilty of gross misconduct, as envisaged in section 14(4)(a), the Chairperson must—
(a) refer the complaint to the Committee in order to consider whether it should recommend to the Commission that the complaint should be investigated and reported on by a Tribunal...”

[4] The applicant, Mr Bogaleboile Kevany Mahura, sought an order that the first respondent, the Premier of the North West Province, recognise him as the Kgosana (Chief) of the Batlhaping-Bo-Phuduhutswane Ba Ga Mahura Tribe (the Batlaphing Ba Ga Mahura) at Dithakwaneng in the Dr Ruth Segomotsi Mompati District Municipality in the North West Province, and to ensure that all ancillary processes thereto be followed. He sought a further order that the Premier be ordered to decide whether to confirm or reject the applicant as chief of the Batlhaping Ba Ga Mahura.

[5] In his judgment, the respondent Judge upheld the applicant's claims and granted the relief as prayed. As stated, the judgment was delivered almost 14 months after the matter was heard. I have set out the background facts in some detail to demonstrate the importance of the case to the main protagonists, the applicant and the fourth respondent, who contested the vacant chief position. It is clear from the papers in this complaint that the Complainant joined with, and supported, his father's, the fourth respondent's, claim to the vacant position of chief.

The complaint

[6] As I have said, the complaint concerning the delayed judgment was that it was costly to the fourth and fifth respondents, and that it was an urgent matter of great importance to the community of Dithakwaneng Village. The further complaint was that the respondent Judge failed to communicate the reason for the delay. As a consequence of the unexplained delay to hand down judgment, the Complainant asks for "the recusal of Judge. . . Reddy as he has clearly shown his incompetence to handle this matter".

The response to the complaint

[7] The respondent Judge furnished a comprehensive response, supported by several annexures. At the outset, he acknowledges Mr Mahura's justified frustration with the delay in the handing down of the judgment. He tenders his unreserved apology for the delay and the resulting consequences. The respondent explains that everything humanly possible was done to hand down judgments within acceptable norms and standards as required in Article 10 of the Judicial Code of Conduct (the Code). He ascribes the failure to do so to the exceptionally high workload in his Division, as well as other contributing factors, which make it impossible to observe strict compliance with these timelines. According to the respondent, the failure to deliver some judgments timeously is not wilful or intentional but as a direct consequence of, amongst others, an unsustainable workload.

[8] The respondent Judge then proceeds to set out in some detail the factors which contributed to the delay in handing down judgments in that Division:

- (a) In 2024 and 2025 there was an institutional crisis in the Division, caused by a severe depletion of permanent judicial resources, which impacted on the workload. Two of the seven Judges in the Division were absent, one on secondment to the Gauteng Division, and the other on long leave. In addition, in 2024, the Judge President initiated a special project to address the backlog of criminal appeals. This increased the volume of work and stretched already strained permanent Judges, who volunteered to provide training to acting Judges regarding judgment writing.

- (b) Much time and effort were dedicated to the drafting of the Practice Directives for the Division. In 2025, while he was still seized with an overburdened court roll, the Respondent was delegated several other administrative responsibilities, which included exercising oversight of the review, petition and bail registers. He was also asked by the Judge-President to refine the Division's criminal pretrial minutes.

- (c) During the period of 14 April 2025 until 20 June 2025, he was appointed as the Acting Deputy Judge-President in their Division. During this acting stint, the Division had only two permanent judges, namely the Judge-President and he. The Judge-President also asked him to mentor Magistrate Mabuza, who was a participant in the Brigitte Mabandla Aspirant Women Judges Programme.

- (d) In 2025, the number of permanent judges was drastically reduced. The Deputy Judge-President acted in the Labour and Labour Appeal Court for all four terms. Two permanent Judges were seconded to the Gauteng Division. One permanent Judge went on long leave and thereafter was required to adjudicate matters in the Special Tribunal. This resulted in acting Judges forming most of that Division's judicial resources in 2025. Axiomatically, the volume of his workload grew exponentially, as he and the Judge President were for the most part of 2025 the only permanent Judges, overseeing five acting judges.

- (e) During 2024 and 2025, he had been assigned to induct and mentor all acting Judges. At their request or when sitting as a Full Court or Full Bench, he was expected to peruse, critique, and provide guidance to the acting Judges, given their inexperience.

[9] The respondent states that, despite these tasks and responsibilities, he handed down 47 judgments in 2024 and 52 in 2025. He says that his normal workday usually commenced at 6 am and ended at 6 pm. All these judgments had to be prepared in the evenings or over weekends. His health suffered, and he had to consult his chiropractor to alleviate his stress symptoms. He also raised his deteriorating well-being with the Judge-President. As a consequence, the Judge-President granted his requests at the end of each term for an extension of time in respect of outstanding judgments, as is required by Article 10 of the Code. Lastly, the respondent confirms his commitment to justice and his ongoing endeavours to meet deadlines for handing down judgments, despite his extremely heavy workload. He attaches a letter from the Judge-President confirming what the respondent says.

The complainant's written submissions

[10] The complainant avers that his father, the fourth respondent, passed away due to the stress caused by the judgment by the respondent Judge. He complains about the merits of the decision and questions whether the respondent had done any research on the issues to be decided, as "it is clear that the person he ruled in

favour of was never appointed as per the processes of the Traditional and Khoi-San Leadership Act²”.

[11] His second complaint is the lengthy delay in handing down the judgment. Furthermore, the complainant alleges that the applicant in the case was friends with the first respondent, the Premier, and that the latter exerted some influence in the outcome, hence the delay in the delivery of the judgment. The complainant provides no proof of these serious allegations. In conclusion, the complainant says that his complaint concerns the respondent’s incompetence and bias when dealing with the matter. He claims that the respondent’s “recommendations are obscure and they have no reference or basis to that effect”. He says that, as a layman, he can “clearly see that Judge. . . Reddy never intended to do his research or his work because, if he did, then justice could have been served”.

Evaluation

[12] The respondent Judge did not file any written submissions. As stated, he did, however, submit a lengthy, detailed response to the complaint, together with numerous annexures.

[13] The main complaint concerns the delay in handing down the judgment. Does this fall within the ambit of section 16(4) of the Act? To determine that question, a comprehensive overview of the relevant legislative provisions is necessary.

² Act 3 of 2019.

[14] If the Chairperson decides that the complaint must be dealt with in terms of section 16 of the Act, he or she must first consider whether, if established, the complaint is likely to lead to a finding by the JSC that the respondent Judge suffers from incapacity or is grossly incompetent or is guilty of gross misconduct.³ If there is a likelihood of the JSC making a positive finding on any of these grounds, the Chairperson is obliged to refer such complaint to the JCC. In the referral, the Chairperson must request the JCC to consider recommending to the JSC that a Tribunal be appointed to investigate the complaint.⁴

[15] Having taken the decision referred to, the Chairperson must inform the respondent Judge of the decision and afford him or her an opportunity to make written representations to the JCC, to be considered together with the complaint. At the meeting convened to consider the complaint, the JCC is called upon to determine whether the complaint would, if established, constitute *prima facie* proof that the respondent suffers from incapacity, is grossly incompetent, or is guilty of gross misconduct. At this juncture, the JCC assumes the complaint will be established.⁵

[16] If the JCC is satisfied that *prima facie* proof of any of the grounds mentioned above would be established, it must recommend to the JSC that a Tribunal be appointed to investigate the complaint. The JCC must inform the complainant, the respondent and the JCC about its recommendation and the

³ These are the grounds for the removal of a Judge outlined in section 177(1)(a) of the Constitution.

⁴ Section 16(1) of the Act.

⁵ Section 16(4) of the Act provides:

“(4) At the meeting referred to in subsection (2), the Committee must consider whether the complaint, if established, will *prima facie* indicate incapacity, gross incompetence or gross misconduct by the respondent, whereupon the Committee may-

(a) refer the complaint to the Chairperson for an inquiry referred to in section 17 (2); or

(b) recommend to the Commission that the complaint should be investigated by a Tribunal”.

reasons for it.⁶ After considering the recommendation, the JSC must request the Chief Justice to appoint a Tribunal.⁷ The JSC must also inform the President forthwith of that request. If it considers it necessary, the JSC should also advise the President to suspend the respondent Judge in terms of section 177(3) of the Constitution.⁸

[17] With this legislative backdrop in mind, I return to the present facts. I repeat that we are required to consider whether we should recommend to the JSC that the complaint should be investigated and reported on by a Tribunal. The jurisdictional facts required for that assessment to be made are that the complaint, if established, constitutes *prima facie* proof that the respondent suffers from incapacity or is grossly incompetent or is guilty of gross misconduct. As I have said, at this juncture, we assume that the complaint will be established. In the present instance, we are concerned with an inquiry whether the complaint, if established, constitutes *prima facie* proof that the respondent is guilty of gross incompetence or gross misconduct. Put differently, is the delayed judgment *prima facie* indicative of impeachable conduct? This Committee has held that the failure

⁶ In terms of section 16(5):

“(5) The Committee must inform the complainant, the respondent and the Commission in writing of any decision envisaged in subsection (4) and the reasons therefore.”

⁷ In terms of section 19(1), which reads:

“(1) Whenever it appears to the Commission-

(a) on account of a recommendation by the Committee in terms of section 16 (4) (b) or 18 (4) (a) (iii), (b) (iii) or (c) (iii); or

(b) on any other grounds, that there are reasonable grounds to suspect that a judge-

(i) is suffering from an incapacity;

(ii) is grossly incompetent; or

(iii) is guilty of gross misconduct, as contemplated in section 177 (1)(a) of the Constitution, the Commission must request the Chief Justice to appoint a Tribunal in terms of section 21”.

⁸ Section 19(4) of the Act provides:

“(4) Whenever the Commission requests the appointment of a Tribunal in terms of subsection (1), the Commission must forthwith in writing-

(a) inform the President that it has so requested; and

(b) advise the President as to-

(i) the desirability of suspending the respondent in terms of section 177 (3) of the Constitution; and

(ii) if applicable, any conditions that should be applicable in respect of such suspension.”

by a Judge to deliver reserved judgments ordinarily amounts to gross misconduct unless there is a valid excuse for it.⁹

[18] The notion of “gross misconduct” is self-evidently a considerably higher threshold for conduct than “gross negligence”. The following conduct has been held by the JCC to constitute *prima facie* gross misconduct, which warrants a recommendation to the JSC for the establishment of a Tribunal:

- (a) The abuse of judicial power to advance the interests of persons close to the Judge, by permitting a litigant to start afresh a case that had already been decided finally in the High Court, and which at the relevant time was pending before the SCA.¹⁰
- (b) Criminal charges of corruption, by allegedly receiving bribes in excess of R2 million from a litigant.¹¹
- (c) Utterances of crass racism, like using the K-word.¹²
- (d) A number of long-delayed judgments which, collectively considered, exhibit a pattern of a failure on the part of the Judge to deliver judgments within the prescribed period.¹³

⁹ *Judge President Mlambo v Judge Mngqibisa-Thusi* (JSC/279/11/2025) at paras 20-22. The JCC concluded at para 107: “Without a reasonable explanation or excuse, the failure by a judge to deliver reserved judgments over a long period of time would ordinarily constitute gross misconduct. This is because such failure erodes public confidence in the judiciary and leaves the public with no option but to resort to self-help. Moreover, non-delivery of judgments constitutes a breach of the primary duty of judges. Significantly, such conduct is also inconsistent with the Constitution in a number of respects. First, it impacts adversely on the affected litigant's constitutional right of access to courts. Second, it is a breach of the obligation to respect, protect, promote and fulfill the rights in the Bill of Rights”.

¹⁰ *Thulare and others v Judge-President Phatudi* (JSC/235/08/2025) 2026 ZAJSC 20 (18 May 2026).

¹¹ *Ledwaba AJP v Phalane J* (JSC/287/12/2025) [2026] ZAJSC 16 (29 May 2026).

¹² *Semekazi v Hartle J* (JSC 209/07/2025) [2025] ZAJSC 29 (9 December 2025). I deliberately refrain from reproducing that word in full – its meaning is well-known when reference is made to the “K-word”.

¹³ *Nkosi v Kumalo J, Skhosana v Kumalo J, Levin v Kumalo J* JSC/181/04/2025, JSC/226/08/2025, JSC/173/04/2025; [2026] ZAJSC 32 (6 July 2026). The period for delivering judgments in the Judicial Code of Conduct is three months from the date of hearing.

[19] It bears emphasis that we are not concerned here with the complaint's merits. As stated, we must assume that the complaint will be established - section 16(4) refers to “if established”. But even if so assumed, while the delay is inordinate (14 months), in my view, the respondent's explanation is acceptable. The Respondent has gone into great detail to demonstrate the heavy workload in the North West Division. That state of affairs was exacerbated by the fact that, for a long time, he and the Judge-President were the only permanent Judges there. This meant that the respondent had to supervise and mentor acting Judges. In addition, he was assigned extra administrative duties, including oversight of the review, petition and bail registers. The Judge-President also asked him to refine the criminal pretrial minutes. Added to that were the respondent's mentoring of Magistrate Mabuza and his duties as Acting Judge-President.

[20] The factors outlined above would constitute compelling reasons for the delay, and is unlikely to lead to a finding of gross misconduct. The respondent's delay in handing down the judgment is attributed to his immense workload and additional responsibilities, as outlined above. It falls far short of the gross misconduct found in the JCC rulings outlined above. Moreover, in *Nkosi v Kumalo J, Skhosana v Kumalo J, Levin v Kumalo J*, this Committee held that delay in handing down a single judgment would not normally constitute gross misconduct.¹⁴

[21] For these reasons, in my view, this complaint does not warrant a recommendation to the JSC for the establishment of a Tribunal. Instead, appropriate remedial action would fall within one or more of the remedial steps in section 17(8) of the Act.¹⁵ The complaint must therefore, in terms of section

¹⁴ At para 18.

¹⁵ Section 17(8) provides:

“(8) Any one or a combination of the following remedial steps may be imposed in respect of a respondent:
(a) Apologising to the complainant, in a manner specified.

16(4)(a), be referred to the Acting Chairperson for an inquiry envisaged in section 17(2).

Order

[22] The following order is made:

In terms of section 16(4)(a) of the Judicial Service Commission Act, 9 of 1994, as amended, the complaint is referred to the Acting Chairperson for an inquiry envisaged in section 17(2).

A handwritten signature in black ink, appearing to read 'Rajesh', is written over a horizontal line.

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(b) A reprimand.

(c) A written warning.

(d) Any form of compensation.

(e) Subject to subsection (9), appropriate counselling.

(f) Subject to subsection (9), attendance of a specific training course.

(g) Subject to subsection (9), any other appropriate corrective measure.”