



RESERVED JUDGMENT REPORT FOR THE CHIEF JUSTICE

27 FEBRUARY 2019



Reserved Judgments

1. Introduction

The judicial **norms and standards**, in paragraph 5.2.6 provides that judgments in constitutional, criminal and civil matters should generally not be reserved without a fixed date for handing down. Judicial Officers have a choice to reserve judgments *sine die* where circumstances are such that the delivery of a judgment on a fixed date is not possible. The norms and standards state that the Judicial Officers should make every effort to hand down reserved judgments no later than three (3) months after the date of the last hearing.

At the meeting held on 28 September 2018, the Heads of Court resolved that the reserved judgments report containing a list of judgments outstanding for 6 months or longer will be published on the OCJ website.

2. Statistics Overview

Table 1: Reserved Judgments as end of December 2018

Court Name	More than 6 Months	Comments
Constitutional Court	1	
Supreme Court Of Appeal	0	
Competition Court	0	
Electoral Court	0	
Labour Court	36	
Labour Court Cape Town	1	
Labour Court Durban	4	1 already delivered in January 2019
Labour Court Johannesburg	29	1 has already been delivered in January 2019 and 3 in February 2019
Labour Court Port Elizabeth	2	
Land Claims Court	0	



Court Name	More than 6 Months	Comments
Eastern Cape	2	
Eastern Cape Division, Grahamstown	2	
Eastern Cape Local Division, Bhisho	0	
Eastern Cape Local Division, Mthatha	0	
Eastern Cape Local Division, Port Elizabeth	0	
Free State	0	
Gauteng	12	
Gauteng Division, Pretoria	8	1 has already been delivered in February 2019
Gauteng Local Division, Johannesburg	4	4 already delivered in February 2019
KwaZulu Natal	17	
KwaZulu-Natal Division, Pietermaritzburg	9	
KwaZulu-Natal Local Division, Durban	8	
Limpopo	2	
Limpopo Division, Polokwane	0	
Limpopo Local Division, Thohoyandou	2	2 has already been delivered in February 2019
Mpumalanga	1	1 has already been delivered in February 2019
North West	0	
Northern Cape	4	
Western Cape	12	1 has already been delivered in January 2019
Grand Total	87	

The table above shows that as at 31 December 2018 there were a total of 87 judgments reserved for longer than six months since the date of last hearing.



3. Reserved Judgments Breakdown Per Court

3.1. Constitutional Court = 1

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1		CCT 73/17	Shane Jacobs and Others vs The State	01 March 2018	305	10

3.2. SPECIALIST COURTS

3.2.1 Labour Cape Town = 1

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	La-Grange, AJ	C839/2015	PTAWU/ PIONEER FOODS	03 May 2018	242	8

3.2.2 Labour Durban = 4

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Whitcher J	D726/18	N Kubeka & others v Ni-Da Transport	20 June 2018	194	6 Delivered 29/01/2019
2	Tlhotlhemaje J	D1051/14	Imperial Retail v Madondo & others	20 June 2018	194	6
3	Tlhotlhemaje J	D850/15	Maytex (Pty) LTD v S Xaba	21 June 2018	193	6
4	Tlhotlhemaje J	D824/13	G Gazu v Defy Appliances LTD	21 June 2018	193	6

3.2.3 Labour Court Johannesburg = 29

Item	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Labour Court Johannesburg	Hertzog Aj	JR1909/12	VINCENT DLAMINI vs TUT	13 January 2015	1448	47



Item	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
2	Labour Court Johannesburg	Vatalidis Aj	JS844/15	SEVERINAO PENISSELA REGINALDO vs FANIE'S BLASTING	19 January 2017	711	23
3	Labour Court Johannesburg	Mahosi J	JS424/14	DIKOLE MOSES RASENYALO v/s MOQHAKA LOCAL MUNICIPALITY	09 February 2018	325	10 Delivered 05/02/2019
4	Labour Court Johannesburg	Mahosi J	JR1293/16	EXXARO FERRO ALLOYS (PTY) LTD v/s LESIBA KEKANA & OTHERS	13 February 2018	321	10 Delivered 05/02/2019
5	Labour Court Johannesburg	Mahosi J	JR616/15	MATHOPA MOSHIMANE MALUNGAPHUMA v/s SIMANGELE JULIA NHLAPHO	15 February 2018	319	10 Delivered 05/02/2019
6	Labour Court Johannesburg	Mahosi J	JR2427/15	THE STANDARD BANK OF SA LIMITED v/s HEIDEN LESLIE & OTHERS	15 February 2018	319	10
7	Labour Court Johannesburg	Tlhotlhale maje J	JR827/12	Assmang (Pty) Ltd v/s T.I Leepile	22 February 2018	312	10
8	Labour Court Johannesburg	Mahosi J	JS419/10 & JS1308/09	PETROS F ZWANE v/s SASOL TECHNOLOGY & SASOL LTD	01 March 2018	305	10
9	Labour Court Johannesburg	Tlhotlhale maje J	JR82/14	UTATU v/s Transnet Freight Rail (SOC) Ltd	06 March 2018	300	10
10	Labour Court Johannesburg	Mahosi J	JR1142/15	DESMOND MAHLANGU v/s STANDARD BANK OF SA	07 March 2018	299	10
11	Labour Court Johannesburg	Tlhotlhale maje J	JR241/16	NUM v/s Johnson Tiles, a Division of Norcros (Pty) Ltd	07 March 2018	299	10
12	Labour Court Johannesburg	Mahosi J	JR1291/15	KOOVAL RAJKUMBA v/s SOUTH AFRICAN POST OFFICE	08 March 2018	298	10
13	Labour Court Johannesburg	Mahosi J	JS1103/15	LUVHOMBA GROUP (PTY) LTD v/s SOLIDARITY OBO SAZISO TSHILI	08 March 2018	298	10



Item	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
14	Labour Court Johannesburg	Tlhotlhale maje J	JR580/15	HOSPERSA v/s Dept. of Health: Free State	16 March 2018	290	9
15	Labour Court Johannesburg	Tlhotlhale maje J	JR1147/16	NUM vs ESKOM SOC LTD	10 April 2018	265	9
16	Labour Court Johannesburg	Tlhotlhale maje J	JS133/16	Tebogo Brain Morane v/s South African Tourism	04 May 2018	241	8
17	Labour Court Johannesburg	Mahosi J	JR891/16	POPCRU OBO M S MOSOLODI v/s SAPS	08 May 2018	237	8
18	Labour Court Johannesburg	Mahosi J	JR518/16	PARIS VALAKELIS v/s RENAISSANCE (PTY) LTD	09 May 2018	236	8
19	Labour Court Johannesburg	Mahosi J	J1212/15 & JR1973/15	ESKOM HOLDINGS SOC LTD v/s LESENYEGO KENNETH THABISO & MASEKO BONGINKOSI	22 May 2018	223	7
20	Labour Court Johannesburg	Mahosi J	J2590/16	SATAWU v/s ELETRONIC TOLL COLLECTION (PTY) LTD	24 May 2018	221	7
21	Labour Court Johannesburg	Mabaso Aj	JS1076/13	FAWU obo S KHUMALO & OTHERS v/s EARLY BIRD FARM & 1 OTHER	25 May 2018	220	7 Delivered 09/01/2019
22	Labour Court Johannesburg	Tlhotlhale maje J	JR1148/14	Ronald Maile v/s Foskori (Pty) Ltd	29 May 2018	216	7
23	Labour Court Johannesburg	Mahosi J	JS165/17	SAMSON KABELANE v/s SECURITAS SPECIALISED SERVICES (PTY) LTD	31 May 2018	214	7
24	Labour Court Johannesburg	Whitcher J	JR950/16	Q.K Meats SA (Pty) Ltd v/s CCMA & Others	31 May 2018	214	7
25	Labour Court Johannesburg	Lagrange J	JR483/14	KP SHONGWE //CCMA & OTHER	06 June 2018	208	7
26	Labour Court Johannesburg	Tlhotlhale maje J	JR1404/14	Joseph Ndzimande & 2 Others v/s Xstrata Coal Mine	06 June 2018	208	7



Item	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
27	Labour Court Johannesburg	Mahosi Aj	JR2715/12	RAMARIDILI ELPHUS MARUBINI v/s MTN (PTY) LTD & OTHERS	20 June 2018	194	6
28	Labour Court Johannesburg	Mahosi Aj	JR2978/11	JOEL SIBANDA KHESWA v/s RADISSON BLU HOTEL: SANDTON & OTHERS	20 June 2018	194	6
29	Labour Court Johannesburg	Lagrange J	JS778/09	PAULOS NHLAPO // SASOL MINING	26 June 2018	188	6

3.2.4 Labour Court Port Elizabeth = 2

Item	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Labour Court Port Elizabeth	Thlothlamaje J	PR103/16	NUMSA obo Qhoboshiyane vs Transnet Freight Rail	14 June 2018	200	7
2	Labour Court Port Elizabeth	Thlothlamaje J	PS56/13	FAWU obo Eric Tati vs Coca Cola Fortune	14 June 2018	200	7

3.3. HIGH COURT DIVISIONS

3.3.1. Division: Eastern Cape

3.3.1.1 Eastern Cape Division, Grahamstown = 2

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
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1	Conjwa AJ	EL601/2012	Road Accident Fund Vs Jongani Kondile & 1 Other	03 August 2017	515	17
2	Malusi J	1491/2016, 515/2017	PN Oosthuizen & Others v S W Vorster	22 March 2018	284	9

3.3.2. Gauteng

3.3.2.1 Gauteng Division, Pretoria

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Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Maumela & Mohlala	A763/16	Minister of Police v C N Ukonu	25 May 2017	585	20 Delivered ON 07/02/2019
2	Maumela & Van der Westhuizen	A306/16	Minister of Police vs D M Seleke	28 November 2017	398	13
3	Mavundla, Molopa-Sethosa & Mngqibisa-Thusi	A173/17	NCR vs Micro finance SA	12 December 2017	384	13
4	Molopa-Sethosa, Ranchod & Kollapen	A425/17	A Mokoena	09 March 2018	297	10
5	Mavundla, Pretorius JJ et Raulinga J	A783/16	L.C. van Riet v Word for Word Marketing Pty Ltd	18 April 2018	257	9
6	JUDGE KHUMALO	A569/16	A DE KOKER	24 April 2018	251	8
7	MABUSE J, POTTERHILL J & JANSE VAN NIEUWENHUIZEN	A587/16	MOBILE RADIO COMM (PTY)LTD VS MICROMATICA 327 (LTD)PTY & 11 OTHERS	23 May 2018	222	7
8	Baqwa J	58305/17	City of Tshwane Metro Mun vs Altech Radio Holdings (Pty) Ltd +10	25 May 2018	220	7

3.3.2.2 Gauteng Division, Johannesburg

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Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Mothibe AJ	2654/2017	MMI Group Ltd v Hurricane Kim Carwash CC & Another	07 May 2018	238	8 Delivered ON 01/02/2019
2	Mothibe AJ	24184/16	Milpark Education Pty Ltd // Oracle Broker Services Pty Ltd	07 May 2018	238	8 Delivered ON 01/02/2019
3	Mothibe AJ	43275/2017	ABSA Bank Ltd // Rainbow Pepper Trading 16 Pty Ltd	10 May 2018	235	8 Delivered ON 07/02/2019
4	MOSHIDI J	43470/10	Nkosi Nomaswazi Reinett obo Vuyelwa v MEC for Health, Gauteng Provincial Government	04 July 2018	180	180 Delivered ON 07/02/2019

3.3.3 KwaZulu Natal

3.3.3.1 KwaZulu-Natal Division, Pietermaritzburg = 9

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	VanZÿ J	4426/2011	Allan Gray vs Chairperson of KZN	12 December 2012	2210	74
2	VanZÿ J	4416/2012	Redefine Prop vs D Van Der Merwe	04 June 2013	2036	68
3	VanZÿ J	5881/2013	Dunlop Mix vs NUMSA	19 August 2015	1230	41
4	Henriques J	10169/2011	ZS Mbuyazi vs M Mafuleka	27 May 2016	948	32
5	Mngomezulu AJ	6129/2014	N Siyagaphi vs MEC for Health	27 July 2017	522	17
6	VanZÿ J	10987/2015	UmpHEME Development vs Ulundi Local Municipality	03 November 2017	423	14
7	Henriques J	3954/2017	Absa Bank LTD vs Transcon Plant and Civil CC	14 February 2018	320	11
8	Henriques J	592/2017	Kzn Law Society v L T Khumalo	01 June 2018	213	7



10	Henriques J	D13185/2016	Vishal Gopaul &1 vs Aroogmugan Lutchman &2	28 June 2018	186	7
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3.3.3.2 Kwazulu-Natal Local Division, Durban= 8

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Henriques J	9398/2014	SASFIN BANK LIMITED VS NULLIAHLTP/LTD	20 January 2015	1441	48
2	Henriques J	7526/2015	GRAVITEK CC VS CARTNEL INVESTMENTS CC	27 March 2017	644	21
3	Henriques J	5571/2007	Bheki Treasure Gumede vs The Minister of Safety and Security	08 May 2017	602	20
4	Moodley J	A80/2014	Credit Europe Bank NV vs Sale of the MV Tarik III	07 September 2017	480	16
5	Moodley J	7900/2016	LDM Consulting vs Dube Tradeport Corp	15 September 2017	472	16
6	Henriques J	6029/2017	Absa vs Samcam (Pty)Ltd	18 October 2017	439	15
7	Moodley J	2629/2010	Olive Marketing CC/Eden Crescent	23 November 2017	403	13
8	JUDGE K PILLAY	13840/2011	M SINGH VS MEC FOR EDUCATION FOR THE PROVINCE OF KZN	29 November 2017	397	13

3.3.4. Limpopo Division, Thohoyandou = 2

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Kgomo J	456/2014	Tshivhulana Royal Family Nditsheni Norman Netshivhulana & 4 others	29 March 2018	277	9 Delivered 05/02/2019
2	Kgomo J	709/2016	Rakhokha ME v SA Custodial Management	06 June 2018	208	7 Delivered 04/02/2019

3.3.5. Mpumalanga Division, Mbombela = 1

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
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1	Maumela J	145/2016	Jabhisile Letta D vs RAF	15 February 2018	319	11 Delivered 19/02/2019
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3.3.6 Northern Cape Division, Kimberly = 4

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Williams J	378/09	Schutte vs RAF	15-Mar-18	291	10
2	Williams J	800/14	Tsantsabane Local Municipality vs Mosegedi & Associates	15-Jun-18	199	7
3	Williams & Coetzee	532/17	Ocean Echo Properties vs MEC Roads and Public Works	21 June 2018	193	6
4	Williams	205/18	Hitachi Construction vs Botes	22 June 2018	192	6

3.3.7. Western Cape Division, Cape Town = 12

Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
1	Desai, ADJP	7705/2016	Immobiliari Trading CC v Golden Circle Investments 123 (Pty) Ltd	14 November 2016	777	26
2	Engers, AJ	20866/2014	Keith Williams v Charl Smit	13 October 2017	444	15
3	Desai, ADJP, Cloete, J, Salie Hlope, J	A184/2017	De Vries Shields Chiat Inc. v Morne Brand	29 January 2018	336	11
4	Gordon-Turner, AJ	23781/2012	Willem De Sanderes Greef N.O. & 1 Other v GPP Properties CC & 1 Other	12 March 2018	294	10
5	Engers, AJ	8608/2017	Jacob De Wet Conradie & 1 Other v Tertius Maree & 1 Other	13 March 2018	293	10
6	Engers, AJ	14529/2016	Delta Property Fund Ltd v Tradepost 2042 CC & 2 others	26 March 2018	280	9



Item	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days Outstanding	Months Outstanding
7	Engers, AJ	18536/2016	E.J. Baartman v Southern View Finance UK Ltd t/a CAPFIN & 1 Other	28 March 2018	278	9
8	Desai, ADJP	17579/2015	Mogamat Rafick Fikkies v Minister of Defence and Military Veterans & Others	10 May 2018	235	8
9	Hack, AJ	1695/2016	Chevron South Africa (Pty) Ltd v Fluval Ukuvula WC (Pty) Ltd	10 May 2018	235	8 Delivered 15/01/2019
10	Papier, J	2115/2015	F.Z. Songelwa v Minister of Police & Another	31 May 2018	214	7
11	Engers, AJ	5568/2018	Leon Smith v Clifton B-Three & 8 Others	14 June 2018	200	7
12	Ndita, J	10984/2014&15 341/2013	Pierre Du Plessis Kriel N.O. v Wentzel Lindsay Oaker & 12 Others	26 June 2018	188	6

