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| RESERVED JUDGMENT REPORT FOR THE CHIEF JUSTICE |
| 31 March 2019 |
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**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 ofMarch 2019

The table below shows that as at 31 March 2019 there were a total of 86 judgments reserved for longer than six months since the date of last hearing.

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| --- | --- | --- | --- | --- |
| Court Name | Less than 6 months | More than 6 months | % more than 6 months | Grand Total |
| Constitutional Court | 21 | 1 | 5% | 22 |
| Supreme Court Of Appeal | 14 | 1 | 7% | 15 |
| Competition Appeal | 2 | 0 | 0% | 2 |
| Labour Court Cape Town | 8 | 6 | 43% | 14 |
| Labour Court Durban | 5 | 2 | 29% | 7 |
| Labour Court Johannesburg | 98 | 37 | 27% | 135 |
| Labour Court Port Elizabeth | 10 | 0 | 0% | 10 |
| Land Claims Court | 8 | 0 | 0% | 8 |
| Eastern Cape Division, Grahamstown | 47 | 1 | 2% | 48 |
| Eastern Cape Local Division, Bhisho | 14 | 1 | 7% | 15 |
| Eastern Cape Local Division, Mthatha | 27 | 1 | 4% | 28 |
| Eastern Cape Local Division, Port Elizabeth | 24 | 1 | 4% | 25 |
| Free State Division, Bloemfontein | 52 | 0 | 0% | 52 |
| Gauteng Division, Pretoria | 0 | 3 | 100% | 3 |
| Gauteng Local Division, Johannesburg | 74 | 0 | 0% | 74 |
| KwaZulu-Natal Division, Pietermaritzburg | 32 | 9 | 22% | 41 |
| KwaZulu-Natal Local Division, Durban | 46 | 13 | 22% | 59 |
| Limpopo Division, Polokwane | 9 | 0 | 0% | 9 |
| Limpopo Local Division, Thohoyandou | 16 | 0 | 0% | 16 |
| Mpumalanga Division, Mbombela Circuit Court | 14 | 0 | 0% | 14 |
| Mpumalanga Division, Middelburg Circuit Court | 19 | 2 | 10% | 21 |
| North West Division, Mahikeng | 1 | 0 | 0% | 1 |
| Northern Cape Division, Kimberley | 22 | 0 | 0% | 22 |
| Western Cape Division, Cape Town | 60 | 8 | 12% | 68 |
| Grand Total | **623** | **86** | **12%** | **709** |

**3. Reserved Judgments Breakdown Per Court**

**3.1. Superior Courts**

**3.1.1 Constitutional Court = 1**

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| --- | --- | --- | --- | --- | --- | --- |
|  | OFFICE | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Constitutional Court | CCT 91/17 | Buffalo City Metropolitan Municipality v Alsa Construction (PTY) LTD vs National Prosecuting Authority and Others | 04 September 2018 | 208 | 7 |

**3.1.2 Supreme Court of Appeal = 1**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Supreme Court Of Appeal | Maya P Dambuza JA Van der Merwe JA Schippers JA Nicholls AJA | 734/2017 | **Steven Ngomane & 27 others v City of Johannesburg Metropolitan Municipality & another** | 10 September 2018 | 202 | 7 |

**3.2.1 SPECIALIST COURTS**

**3.2.1 Labour Cape Town = 6**

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| --- | --- | --- | --- | --- | --- | --- | --- |
|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Labour Court Cape Town | La-Grange, AJ | C839/2015 | PTAWU/ PIONEER FOODS | 03 May 2018 | 332 | 11 |
| 2 | Labour Court Cape Town | Tlhotlhalemaje, J | C463/2014 | PSA OBO LUXTON/ DPT OF EDUCATION | 01 August 2018 | 242 | 8 |
| 3 | Labour Court Cape Town | Tlhotlhalemaje, J | C482/2017 | SOLIDARITY OBO PRINSLOO/ EXPIDOR 163 | 01 August 2018 | 242 | 8 |
| 4 | Labour Court Cape Town | Tlhotlhalemaje, J | C181/2017 | THE SOUTH AFRICAN TEACHERS UNION/ WCED & OTHERS | 02 August 2018 | 241 | 8 |
| 5 | Labour Court Cape Town | Tlhotlhalemaje, J | C505/2017 | BRADLY HOWLAND/ EPIC MSL GROUP | 02 August 2018 | 241 | 8 |
| 6 | Labour Court Cape Town | Whitcher, J | C94/2017 | DPT OF AGRICULTURE AND FORESTRY/ PSA & OTHERS | 30 August 2018 | 213 | 7 |

**3.2.2 Labour Durban = 2**

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|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Labour Court Durban | Tlhotlhalemaje J | D850/15 | Maytex (Pty) LTD v S Xaba | 21 June 2018 | 283 | 9 |
| 2 | Labour Court Durban | Gush J | D1089/16 | Solidarity v Transnet Port Authority | 06 September 2018 | 206 | 7 |

**3.2.3 Labour Court Johannesburg = 37**

|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | Labour Court Johannesburg | HERTZOG AJ | JR1909/12 | VINCENT DLAMINI vs TUT | 13 January 2015 | 1538 | 51 |
| 2 | Labour Court Johannesburg | TLHOTLHALEMAJE J | JR1147/16 | NUM vs ESKOM SOC LTD | 10 April 2018 | 355 | 12 |
| 3 | Labour Court Johannesburg | TLHOTLHALEMAJE J | JS133/16 | Tebogo Brain Morane v/s South African Tourism | 04 May 2018 | 331 | 11 |
| 4 | Labour Court Johannesburg | MAHOSI J | J1212/15 & JR1973/15 | ESKOM HOLDINGS SOC LTD v/s LESENYEGO KENNETH THABISO & MASEKO BONGINKOSI | 22 May 2018 | 313 | 10 |
| 5 | Labour Court Johannesburg | TLHOTLHALEMAJE J | JR1148/14 | Ronald Maile v/s Foskori (Pty) Ltd | 29 May 2018 | 306 | 10 |
| 6 | Labour Court Johannesburg | WHITCHER J | JR950/16 | Q.K Meats SA (Pty) Ltd v/s CCMA & Others | 31 May 2018 | 304 | 10 |
| 7 | Labour Court Johannesburg | LAGRANGE J | JR483/14 | KP SHONGWE //CCMA & OTHER | 06 June 2018 | 298 | 10 |
| 8 | Labour Court Johannesburg | TLHOTLHALEMAJE J | JR1404/14 | Joseph Ndzimande & 2 Others v/s Xstrata Coal Mine | 06 June 2018 | 298 | 10 |
| 9 | Labour Court Johannesburg | MAHOSI AJ | JR2978/11 | JOEL SIBANDA KHESWA v/s RADISSON BLU HOTEL: SANDTON & OTHERS | 20 June 2018 | 284 | 9 |
| 10 | Labour Court Johannesburg | LAGRANGE J | JS778/09 | PAULOS NHLAPO // SASOL MINING | 26 June 2018 | 278 | 9 |
| 11 | Labour Court Johannesburg | KUHN AJ | JR2074/13 | SATAWU obo Mthetheleli Thom v/s Transnet Engineering | 10 July 2018 | 264 | 9 |
| 12 | Labour Court Johannesburg | KUHN AJ | JR2180/14 | Merchant West (pty) Ltd v/s Nadine Johnson | 10 July 2018 | 264 | 9 |
| 13 | Labour Court Johannesburg | KUHN AJ | JR2439/15 | AMCU v/s Jormid Electrical (Pty) Ltd | 10 July 2018 | 264 | 9 |
| 14 | Labour Court Johannesburg | MOSEBO AJ | JR2039/16 | SATAWU OBO P MPOKO//FRIGHTMAX | 11 July 2018 | 263 | 9 |
| 15 | Labour Court Johannesburg | KUHN AJ | JR2119/15 | Dept of social Development v/s D L Makgoba | 12 July 2018 | 262 | 9 |
| 16 | Labour Court Johannesburg | DAMANT AJ | JR2030/15. | FERMEL PTY LTD//NESU MAROVEKE | 12 July 2018 | 262 | 9 |
| 17 | Labour Court Johannesburg | MOSEBO AJ | JR536/16 | TLOKWE LOCAL MUNICIPALITY//IMATU OBO MEMBERS | 13 July 2018 | 261 | 9 |
| 18 | Labour Court Johannesburg | MOSEBO AJ | JR2637/16 | C T SIBANDA//DINERS CLUB | 13 July 2018 | 261 | 9 |
| 19 | Labour Court Johannesburg | MOSEBO AJ | JR2405/15 | PSA OBO LEE ANNFRITZ//HUMAN SCIENCES RESEARCH | 13 July 2018 | 261 | 9 |
| 20 | Labour Court Johannesburg | KENT AJ | JR1696/14 | IMATU obo MEMBERS v/s EKURHULENI METROPOLITAN MUNICIPALITY | 17 July 2018 | 257 | 9 |
| 21 | Labour Court Johannesburg | PIENAAR AJ | JR753/13 | FAR NORTH PLASTICS V/S AO BRITS | 17 July 2018 | 257 | 9 |
| 22 | Labour Court Johannesburg | PIENAAR AJ | JR970/16 | S MALINGA V/S MUTUAL AND FEDERAL | 19 July 2018 | 255 | 9 |
| 23 | Labour Court Johannesburg | REDDY AJ | JR2525/16 | DWARS RIVER CHROME MINE V/S NUM OBO ANDRE SWART | 20 July 2018 | 254 | 8 |
| 24 | Labour Court Johannesburg | TLHOTLHALEMAJE J | JS215/14 & JS406/14 | AMCU & Others v/s SAMANCOR Western Chrome Mines | 23 July 2018 | 251 | 8 |
| 25 | Labour Court Johannesburg | PIENAAR AJ | JR1266/14 | B.BUTHELEZI V/S DEPT OF HOME AFFAIRS | 23 July 2018 | 251 | 8 |
| 26 | Labour Court Johannesburg | MAHOSI J | JR1882/16 | SOUTH AFRICAN RESERVE BANK v/s NTOMBI NKOBO | 01 August 2018 | 242 | 8 |
| 27 | Labour Court Johannesburg | MAHOSI J | JR1859/16 | MEC FOR EDUCATION: MPUMALANGA & 2 OTHERS v/s S. MASHEGO | 02 August 2018 | 241 | 8 |
| 28 | Labour Court Johannesburg | MAHOSI J | JR1993/15 | M. MOLELEKI & 1 OTHER v/s RUSTENBURG PLATINUM MINE | 02 August 2018 | 241 | 8 |
| 29 | Labour Court Johannesburg | LAGRANGE J | JS69/17 | LAUREN DE AMEIDA // REEFLORDS PROPERTY | 02 August 2018 | 241 | 8 |
| 30 | Labour Court Johannesburg | LAGRANGE J | JR2902/10 | Jacobs v Saps | 16 August 2018 | 227 | 8 |
| 31 | Labour Court Johannesburg | MOSEBO AJ | JR888/15 | AMCU obo S SIGWAYO//HARMONY GOLD | 20 August 2018 | 223 | 7 |
| 32 | Labour Court Johannesburg | WHITCHER J | JR369/15 | EKURHULENI METROPOLITAN MUNICIPALITY v/s IMATU obo J PIERTSE | 22 August 2018 | 221 | 7 |
| 33 | Labour Court Johannesburg | WHITCHER J | JR384/16 | Thamsanqa Nkosi v/s Clicks Retailers (Pty) Ltd | 23 August 2018 | 220 | 7 |
| 34 | Labour Court Johannesburg | MAHOSI J | JS02/15 | FLORAH RAKGADI KUTUMELA V/S TRITON PHARMACARE CORPORATE | 28 August 2018 | 215 | 7 |
| 35 | Labour Court Johannesburg | TLHOTLHALEMAJE J | JR28/17 | PikItUp Johannesburg SOC Ltd v/s Abigale Muguto | 29 August 2018 | 214 | 7 |
| 36 | Labour Court Johannesburg | LALLIE J | JR1001/15 | DEPARTMENT OF HEALTH:FREE STATE v/s MPUSE FRANS MFOKENG & OTHERS | 13 September 2018 | 199 | 7 |
| 37 | Labour Court Johannesburg | LALLIE J | JS1121/14 | FRANS MOREBA & 192 OTHERS v/s AVONDRUST BELLEGGINS PTY LTD | 14 September 2018 | 198 | 7 |

**3.3. HIGH COURT DIVISIONS**

**3.3.1. Division: Eastern Cape**

**3.3.1.1 Eastern Cape Division, Grahamstown = 1**

|  |  |  |  |  |  |  |  |
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|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Eastern Cape Division, Grahamstown | Malusi J | 1693/2017 | F Tabule & Ors v Z Ziwele & Ors | 17 August 2018 | 226 | 8 |

**3.3.1.2 Eastern Cape Division, Bhisho = 1**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Eastern Cape Local Division, Bhisho | Malusi J | 805/2008 | VA Gwe v RAF | 10 August 2018 | 233 | 8 |

**3.3.1.3 Eastern Cape Division, Mthata = 1**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Eastern Cape Local Division, Mthatha | M Mnyatheli AJ | 555/2002 | Hobongwana vs RAF | 20 September 2018 | 192 | 6 |

**3.3.1.4 Eastern Cape Division, Port Elizabeth = 1**

|  |  |  |  |  |  |  |  |
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|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Eastern Cape Local Division, Port Elizabeth | Majiki J | 1415/2017 | Inge Joane Hacker v Marck Keiser Hartmann & Others | 06 September 2018 | 206 | 7 |

**3.3.2. Gauteng**

**3.3.2.1 Gauteng Division, Pretoria = 3**

|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| --- | --- | --- | --- | --- | --- | --- | --- |
| 1 | Gauteng Division, Pretoria | MAUMELA J | 12310/14 | OKKER JACOBUS HENNOP VS CHRISTIAAN JOHAN KOEN | 02 August 2018 | 241 | 8 |
| 2 | Gauteng Division, Pretoria | MNGQIBISA-THUSI J | 2046/16 | R MUVHIMI VS RAF | 06 August 2018 | 237 | 8 |
| 3 | Gauteng Division, Pretoria | CAMBANIS AJ | 2138/18 | VAN RHUYN NA VS REFUGEES BOARD | 06 August 2018 | 237 | 8 |

**3.3.3 KwaZulu Natal**

**3.3.3.1 KwaZulu-Natal Division, Pietermaritzburg = 9**

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| --- | --- | --- | --- | --- | --- | --- | --- |
|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | KwaZulu-Natal Division, Pietermaritzburg | VanZӱ J | 4426/2011 | AllanGray vs Chairperson of KZN | 12 December 2012 | 2300 | 77 |
| 2 | KwaZulu-Natal Division, Pietermaritzburg | VanZӱ J | 4416/2012 | RedefineProp vs D Van Der Merwe | 04 June 2013 | 2126 | 71 |
| 3 | KwaZulu-Natal Division, Pietermaritzburg | VanZӱ J | 5881/2013 | DunlopMixvsNUMSA | 19 August 2015 | 1320 | 44 |
| 4 | KwaZulu-Natal Division, Pietermaritzburg | Henriques J | 10169/2011 | ZSMbuyazi vs MMafuleka | 27 May 2016 | 1038 | 35 |
| 5 | KwaZulu-Natal Division, Pietermaritzburg | VanZӱ J | 10987/2015 | UmphemeDevelopment vs Ulundi Local Municipality | 03 November 2017 | 513 | 17 |
| 6 | KwaZulu-Natal Division, Pietermaritzburg | Henriques J | 3954/2017 | Absa Bank LTD vs Transcon Plant and Civil CC | 14 February 2018 | 410 | 14 |
| 7 | KwaZulu-Natal Division, Pietermaritzburg | Henriques J | 592/2017 | Kzn Law Society v L T Khumalo | 01 June 2018 | 303 | 10 |
| 8 | KwaZulu-Natal Division, Pietermaritzburg | Henriques J | D13185/2016 | Vishal Gopaul &1 vs Aroogmugan Lutchman &2 | 28 June 2018 | 276 | 9 |
| 9 | KwaZulu-Natal Division, Pietermaritzburg | MNGUNI J | 10146/2010 | Stols vs Galicke & Bousfield & ors | 12 September 2018 | 200 | 7 |

**3.3.3.2 Kwazulu-Natal Local Division, Durban = 13**

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|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | KwaZulu-Natal Local Division, Durban | Henriques J | 9398/2014 | SASFIN BANK LIMITED VS NULLIAHLTP/LTD | 20 January 2015 | 1531 | 51 |
| 2 | KwaZulu-Natal Local Division, Durban | Henriques J | 7526/2015 | GRAVITEK CC VS CARTNEL INVESTMENTS CC | 27 March 2017 | 734 | 24 |
| 3 | KwaZulu-Natal Local Division, Durban | Henriques J | 5571/2007 | Bheki Treasure Gumede vs The Minister of Safety and Security | 08 May 2017 | 692 | 23 |
| 4 | KwaZulu-Natal Local Division, Durban | Moodley J | A80/2014 | Credit Europe Bank NV vs Sale of the MV Tarik III | 07 September 2017 | 570 | 19 |
| 5 | KwaZulu-Natal Local Division, Durban | Moodley J | 7900/2016 | LDM Consulting vs Dube Tradeport Corp | 15 September 2017 | 562 | 19 |
| 6 | KwaZulu-Natal Local Division, Durban | Henriques J | 6029/2017 | Absa vs Samcam (Pty)Ltd | 18 October 2017 | 529 | 18 |
| 7 | KwaZulu-Natal Local Division, Durban | Moodley J | 2629/2010 | Olive Marketing CC/Eden Crescent | 23 November 2017 | 493 | 16 |
| 8 | KwaZulu-Natal Local Division, Durban | JUDGE K PILLAY | 13840/2011 | M SINGH VS MEC FOR EDUCATION FOR THE PROVINCE OF KZN | 29 November 2017 | 487 | 16 |
| 9 | KwaZulu-Natal Local Division, Durban | Law AJ | 2428/2017 | Firstrand Bank Ltd vs Rsebud G. Hlatshwayo | 17 August 2018 | 226 | 8 |
| 10 | KwaZulu-Natal Local Division, Durban | Law AJ | 3846/2017 | BC Bridging Solution Pty Ltd vs Body Corporate Hibiscus Court | 17 August 2018 | 226 | 8 |
| 11 | KwaZulu-Natal Local Division, Durban | Henriques J | 2557/2016 | Distell Limited vs Naidoo Chris | 24 August 2018 | 219 | 7 |
| 12 | KwaZulu-Natal Local Division, Durban | Balton J | 7192/2015 | PETROLEUM OIL & GAS CO-OPERATION OF SA vs HJ ROODT | 12 September 2018 | 200 | 7 |
| 13 | KwaZulu-Natal Local Division, Durban | Henriques J | 13225/2010 | VOERMOL FEEDS (PTY)LTD V LOUIS DE LA REY HATTINGH | 17 September 2018 | 195 | 7 |

**3.3.4. Mpumalanga Division, Middelburg = 2**

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|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Mpumalanga Division, Middelburg Circuit Court | Cambanis AJ | 1543/2017 | MUCHONGO N A VS RAF | 13 August 2018 | 230 | 8 |
| 2 | Mpumalanga Division, Middelburg Circuit Court | Bam AJ | 2363/2017 | MAHLANGU J M VS RAF | 03 September 2018 | 209 | 7 |

**3.3.5. Western Cape Division, Cape Town = 8**

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|  | OFFICE | JUDGE'S NAME | CASE NUMBER | PARTIES | DATE JUDGMENT RESERVED | Number Days | Months |
| 1 | Western Cape Division, Cape Town | Desai, J | 7705/2016 | Immobiliari Trading CC v Golden Circle Investments 123 (Pty) Ltd | 14 November 2016 | 867 | 29 |
| 2 | Western Cape Division, Cape Town | Engers, AJ | 20866/2014 | Keith Williams v Charl Smit | 13 October 2017 | 534 | 18 |
| 3 | Western Cape Division, Cape Town | Desai J et Cloete J et Salie Hlope J | A184/2017 | De Vries Shields Chiat Inc. v Morne Brand | 29 January 2018 | 426 | 14 |
| 4 | Western Cape Division, Cape Town | Gordon-Turner, AJ | 23781/2012 | Willem De Sanderes Greef N.O. & 1 Other v GPP Properties CC & 1 Other | 12 March 2018 | 384 | 13 |
| 5 | Western Cape Division, Cape Town | Engers, AJ | 8608/2017 | Jacob De Wet Conradie & 1 Other v Tertius Maree & 1 Other | 13 March 2018 | 383 | 13 |
| 6 | Western Cape Division, Cape Town | Engers, AJ | 14529/2016 | Delta Property Fund Ltd v Tradepost 2042 CC & 2 others | 26 March 2018 | 370 | 12 |
| 7 | Western Cape Division, Cape Town | Engers, AJ | 5568/2018 | Leon Smith v Clifton B-Three & 8 Others | 14 June 2018 | 290 | 10 |
| 8 | Western Cape Division, Cape Town | Ndita, J | 10984/2014 & 15341/2013 | Pierre Du Plessis Kriel N.O. v Wentzel Lindsay Oaker & 12 Others | 26 June 2018 | 278 | 9 |