



RESERVED JUDGMENT REPORT FOR THE CHIEF JUSTICE

31 March 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 March 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.

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

	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

	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	Tlhotlhemaje, J	C463/2014	PSA OBO LUXTON/ DPT OF EDUCATION	01 August 2018	242	8
3	Labour Court Cape Town	Tlhotlhemaje, J	C482/2017	SOLIDARITY OBO PRINSLOO/ EXPIDOR 163	01 August 2018	242	8
4	Labour Court Cape Town	Tlhotlhemaje, J	C181/2017	THE SOUTH AFRICAN TEACHERS UNION/ WCED & OTHERS	02 August 2018	241	8
5	Labour Court Cape Town	Tlhotlhemaje, 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

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number Days	Months
1	Labour Court Durban	Tlhotlhemaje 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	TLHOTLHALE MAJE J	JR1147/16	NUM vs ESKOM SOC LTD	10 April 2018	355	12
3	Labour Court Johannesburg	TLHOTLHALE MAJE 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	TLHOTLHALE MAJE 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	TLHOTLHALE MAJE 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



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number Days	Months
1 4	Labour Court Johannesburg	MOSEBO AJ	JR2039/16	SATAWU OBO P MPOKO//FRIGHTMAX	11 July 2018	263	9
1 5	Labour Court Johannesburg	KUHN AJ	JR2119/15	Dept of social Development v/s D L Makgoba	12 July 2018	262	9
1 6	Labour Court Johannesburg	DAMANT AJ	JR2030/15.	FERMEL PTY LTD//NESU MAROVEKE	12 July 2018	262	9
1 7	Labour Court Johannesburg	MOSEBO AJ	JR536/16	TLOKWE LOCAL MUNICIPALITY//IMATU OBO MEMBERS	13 July 2018	261	9
1 8	Labour Court Johannesburg	MOSEBO AJ	JR2637/16	C T SIBANDA//DINERS CLUB	13 July 2018	261	9
1 9	Labour Court Johannesburg	MOSEBO AJ	JR2405/15	PSA OBO LEE ANNFRTZ//HUMAN SCIENCES RESEARCH	13 July 2018	261	9
2 0	Labour Court Johannesburg	KENT AJ	JR1696/14	IMATU obo MEMBERS v/s EKURHULENI METROPOLITAN MUNICIPALITY	17 July 2018	257	9
2 1	Labour Court Johannesburg	PIENAAR AJ	JR753/13	FAR NORTH PLASTICS V/S AO BRITS	17 July 2018	257	9
2 2	Labour Court Johannesburg	PIENAAR AJ	JR970/16	S MALINGA V/S MUTUAL AND FEDERAL	19 July 2018	255	9
2 3	Labour Court Johannesburg	REDDY AJ	JR2525/16	DWARS RIVER CHROME MINE V/S NUM OBO ANDRE SWART	20 July 2018	254	8
2 4	Labour Court Johannesburg	TLHOTLHALE MAJE J	JS215/14 & JS406/14	AMCU & Others v/s SAMANCOR Western Chrome Mines	23 July 2018	251	8
2 5	Labour Court Johannesburg	PIENAAR AJ	JR1266/14	B.BUTHELEZI V/S DEPT OF HOME AFFAIRS	23 July 2018	251	8
2 6	Labour Court Johannesburg	MAHOSI J	JR1882/16	SOUTH AFRICAN RESERVE BANK v/s NTOMBI NKOBO	01 August 2018	242	8
2 7	Labour Court Johannesburg	MAHOSI J	JR1859/16	MEC FOR EDUCATION: MPUMALANGA & 2 OTHERS v/s S. MASHEGO	02 August 2018	241	8



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number Days	Months
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 // REEFLOARDS 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	TLHOTLHALE MAJE 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

	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

	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

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number Days	Months
1	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	4426/2011	AllanGray vs Chairperson of KZN	12 December 2012	2300	77
2	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	4416/2012	RedefineProp vs D Van Der Merwe	04 June 2013	2126	71
3	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ 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	VanZÿ 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

	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	Firststrand 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



1	KwaZulu-Natal Local Division, 3 Durban	Henriques J	13225/20 10	VOERMOL FEEDS (PTY)LTD V LOUIS DE LA REY HATTINGH	17 September 2018	195	7
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3.3.4. Mpumalanga Division, Middelburg = 2

	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

	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

