



RESERVED JUDGMENT REPORT FOR THE CHIEF JUSTICE

30 SEPTEMBER 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 September 2019

The table below shows that as at the beginning of term 4 there were a total of 103 judgments reserved for longer than six months since the date of last hearing out of a total of 683 outstanding reserved judgments.

Court Name	Less than 6 months	More than 6 months	Total	Delivered To date
Constitutional Court	10	3	13	
Supreme Court Of Appeal	7	0	7	1 Delivered during term 4
Competition Appeal	1	0	1	1 Delivered during term 4
Labour Court Cape Town	7	2	9	
Labour Court Durban	10	1	11	
Labour Court Johannesburg	83	13	96	9 Delivered during term 4
Labour Court Port Elizabeth	15	1	16	
Land Claims Court	3	1	4	1 Delivered during term 4
Eastern Cape Division, Grahamstown	27	2	29	12 Delivered during term 4
Eastern Cape Local Division, Bhisho	9	0	9	6 Delivered during term 4
Eastern Cape Local Division, Mthatha	23	3	26	6 Delivered during term 4



Court Name	Less than 6 months	More than 6 months	Total	Delivered To date
Eastern Cape Local Division, Port Elizabeth	18	5	23	6 Delivered during term 4
Free State Division, Bloemfontein	33	0	33	15 Delivered during term 4
Gauteng Division, Pretoria	74	31	105	
Gauteng Local Division, Johannesburg	72	2	74	2 Delivered during term 4
KwaZulu-Natal Division, Pietermaritzburg	49	11	60	19 Delivered during term 4
KwaZulu-Natal Local Division, Durban	32	16	48	7 Delivered during term 4
Limpopo Division, Polokwane	24	0	24	
Limpopo Local Division, Thohoyandou	3	12	15	
Mpumalanga Division, Mbombela	22	0	22	
Mpumalanga Local Division, Middelburg	12	0	12	
North West Division, Mahikeng	32	0	32	
Northern Cape Division, Kimberley	10	0	10	
Western Cape Division, Cape Town	4	0	4	2 Delivered during term 4
National Overview	580	103	683	



3. Reserved Judgments Breakdown Per Court

3.1. Superior Courts

3.1.1 Constitutional Court = 3

	OFFICE	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	Constitutional Court	CCT 158/18	The Competition Commission vs Standard Bank of South Africa Limited	05 March 2019	209	7
2	Constitutional Court	CCT 179/18	The Competition Commission vs Standard Bank of South Africa Limited	05 March 2019	209	7
3	Constitutional Court	CCT 218/18	The Competition Commission vs Waco Africa (PTY) Limited	05 March 2019	209	7

3.2.1 SPECIALIST COURTS

3.2.1 Labour Cape Town = 2

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	Labour Court Cape Town	Tlhotlhamaje, J	C140/2017	NICO KHANA v LANGEBERG ASHTON FOODS	18 October 2018	347	12
2	Labour Court Cape Town	Steenkamp, AJ	C837/2017	ACDC DYNAMICS/ CCMA & OTHERS	26 February 2019	216	7

3.2.2 Labour Port Elizabeth = 1

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	Labour Court PE	Thlothlamaje J	PR241/17	NELSON MANDELA BAY MUNICIPALITY vs SAMWU obo KHALIMANE & OTHERS	04 December 2018	300	10

3.2.3 Labour Court Johannesburg = 13

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	DELIVERED DURING TERM 4	Number of Days	Months
1	Labour Court Johannesburg	KUHN AJ	JR2074/13	SATAWU obo Mthetheleli Thom v/s Transnet Engineering	10 July 2018		447	15
2	Labour Court Johannesburg	KUHN AJ	JR2119/15	Dept of social Development v/s D L Makgoba	12 July 2018		445	15
3	Labour Court Johannesburg	LAGRANGE J	JS69/17	LAUREN DE AMEIDA // REEFLOARDS PROPERTY	02 August 2018	15 October 2019	424	14



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	DELIVERED DURING TERM 4	Number of Days	Months
4	Labour Court Johannesburg	LAGRANGE J	JR2902/10	Jacobs v Saps	16 August 2018	23 October 2019	410	14
5	Labour Court Johannesburg	MACHAKA AJ	JR691/18	FEZIWE MABASA// DR SIRIGU	09 January 2019		264	9
6	Labour Court Johannesburg	MACHAKA AJ	J2628/16	ARCKERMANS LTD //SACCAAWU OBO EMBER	11 January 2019	26 November 2019	262	9
7	Labour Court Johannesburg	RAPHULU AJ	JR167/17	AIR LIQUIDE (PTY) LTD v/s JAN BRITS MDLULI	05 February 2019		237	8
8	Labour Court Johannesburg	RAPHULU AJ	JR2554/16	R.M KELOBETSHOE v/s MINISTER OF SAFETY & SECURITY	07 February 2019		235	8
9	Labour Court Johannesburg	RAPHULU AJ	JS706/17	EMANNUEL PHETLA & 4 OTHERS v/s PHAGAMA CIVILS & MAINTENANCE CC	15 February 2019	13 November 2019	227	8
10	Labour Court Johannesburg	RAPHULU AJ	JR2438/16	NUM v/s EOISTRA N.H. EQUIPMENT (PTY) LTD	26 February 2019		216	7
11	Labour Court Johannesburg	LAGRANGE J	JS441/17	NUMSA obo Maseko & Others v/s Glencore Impunzi Complex	04 March 2019		210	7
12	Labour Court Johannesburg	TLHOTLHALEM AJE J	J3319/17	NUMSA v/s Transnet	07 March 2019		207	7
13	Labour Court Johannesburg	LAGRANGE J	JS166/16	Phillip Henry Groom v/s Daimler Fleet Management	26 March 2019		188	6

3.2.4 Labour Court Durban = 1

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	Labour Court Durban	Lagrange J	D339/17	N Langa v Dept of Correctional Services	13 March 2019	201	7

3.2.5 Land Claims Court= 1

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	Land Claims Court	Barnes J	LCC160/2017	Basfour//Thwala	25 October 2018	340	11



3.3. HIGH COURT DIVISIONS

3.3.1. Division: Eastern Cape

3.3.1.1 Eastern Cape Division, Mthatha = 3

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
1	Eastern Cape Local Division, Mthatha	M Mnyatheli AJ	2429/2013	Xolisa Rhini vs Minister of Police	10 December 2018		294	10
2	Eastern Cape Local Division, Mthatha	Majiki J	21/2015	Lindelwa Tukwayo v MEC for Health	01 November 2018	15 October 2019	333	11
3	Eastern Cape Local Division, Mthatha	Mnyatheli AJ	2783/2018	Gwentsha & Others v Magistrate Libode	02 November 2018	19 November 2019	332	11

3.3.1.2 Eastern Cape Division, Port Elizabeth = 5

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
1	Eastern Cape Local Division, Port Elizabeth	Malusi J	1694/2017	C Maletti v AM Visscher	08 November 2018	17 October 2019	326	11
2	Eastern Cape Local Division, Port Elizabeth	Malusi J	2093/2018	PureGroup SA v B Lipka & 2	08 November 2018		326	11
3	Eastern Cape Local Division, Port Elizabeth	Malusi J	2465/2017	Furniture Installation v DJ Naude	08 November 2018		326	11
4	Eastern Cape Local Division, Port Elizabeth	Malusi J	3306/2017	KJ Oggunniyi v Toribrite (Pty) Ltd	08 November 2018		326	11
5	Eastern Cape Local Division, Port Elizabeth	Malusi J	61/2018	E Kukuk v EF J Kukuk	08 November 2018		326	11

3.3.1.3 Eastern Cape Division, Grahamstown = 2

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
1	Eastern Cape Division, Grahamstown	Malusi J	5451/2017	M J Dyibishe v N Shenxane & Ano	15 February 2019	17 October 2019	227	8
2	Eastern Cape Division, Grahamstown	Makaula J	EL1221/17	B McMillan/Bate Chubb & Dickson	12 March 2019	04 October 2019	202	7



3.3.2. Gauteng

3.3.2.1 Gauteng Division, Pretoria = 31

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
1	Gauteng Division, Pretoria	MNGQIBISA-THUSI J	2046/16	R MUVHIMI VS RAF	06 August 2018	28 October 2019	420	14
2	Gauteng Division, Pretoria	KHUMALO J	73751/15	CL Mahlangu v RAF	07 August 2018		419	14
3	Gauteng Division, Pretoria	MNGQIBISA-THUSI J	40191/16	SWP BURGER VS RAF	08 August 2018	28 October 2019	418	14
4	Gauteng Division, Pretoria	MNGQIBISA-THUSI J	72928/16	A GWARUBANA VS RAF	14 August 2018		412	14
5	Gauteng Division, Pretoria	MNGQIBISA-THUSI J	69353/17 & 15574/07	BERNARDT NICKLAUS VS E NICKLAUS	15 August 2018		411	14
6	Gauteng Division, Pretoria	KHUMALO J	67627/14	EM MATABANE VS RAF	17 August 2018	28 October 2019	409	14
7	Gauteng Division, Pretoria	MNGQIBISA-THUSI J	75995/17	GROUP FIVE LTD VS COMPENSATION COMMISSION	17 August 2018	28 October 2019	409	14
8	Gauteng Division, Pretoria	MNGQIBISA-THUSI J	70549/15	IZAK HERMANUS BRITS VS THE COMMIONER FOR THE S A REVENU SERVICES	22 August 2018		404	13
9	Gauteng Division, Pretoria	KHUMALO J	44526/17	C M Brits v J S Botha	27 August 2018		399	13
10	Gauteng Division, Pretoria	KHUMALO J	77460/17	Cotterell N.O +2 v M Mashao	28 August 2018	07 November 2019	398	13
11	Gauteng Division, Pretoria	Van Der Westhuizen J	56882/18	Laser Beautique Franchisor vs Amor ET Spes & others	03 September 2018	11 October 2019	392	13
12	Gauteng Division, Pretoria	Van Der Westhuizen J	46767/18	UJU Resources Prop vs Wescoal Mining +4 Others	04 September 2018	11 October 2019	391	13



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
13	Gauteng Division, Pretoria	Khumalo J	63126/12	D.B. Madonsela vs Min of Safety & Security	15 October 2018		350	12
14	Gauteng Division, Pretoria	vd Westhuizen	88753/14 & 41461/14	Merb & 2 vs MB Mathews (douglas Dale Dairy case	24 October 2018	08 November 2019	341	11
15	Gauteng Division, Pretoria	Khumalo J	28168/18	JA Nunes v P M Nkosi	05 November 2018		329	11
16	Gauteng Division, Pretoria	Van der Westhuizen	33268/18	LA Group VS The United States Polo Association +6	09 November 2018	29 November 2019	325	11
17	Gauteng Division, Pretoria	Van der Westhuizen	33735/18	Monster Energy Company VS Trade Kings SA	20 November 2018	17 October 2019	314	10
18	Gauteng Division, Pretoria	Van der Westhuizen	81265/17	JM Karan VS Min Of Water & Sanitation	21 November 2018	11 October 2019	313	10
19	Gauteng Division, Pretoria	Khumalo J	21816/17	Lydia van der Merwe v Bevan Management Services	04 December 2018		300	10
20	Gauteng Division, Pretoria	Khumalo J	A213/18	Weavind Weavind Att v David	29 January 2019		264	9
21	Gauteng Division, Pretoria	Khumalo J	26131/17	Underberg Dairy v The dairy boys +2	06 February 2019		236	8
22	Gauteng Division, Pretoria	Khumalo J	10222/18	Z Rabaney v Schoeman Attorney Inc	12 February 2019		230	8
23	Gauteng Division, Pretoria	Fourie J	28580/18	J P van Vuuren v A B Rossouw	12 February 2019	17 October 2019	230	8
24	Gauteng Division, Pretoria	Khumalo J	16878/18	P.B Magopeni v Acacia Mining SA	13 February 2019		229	8
25	Gauteng Division, Pretoria	Basson J	24469/17	Glopin (Pty) Ltd v Keyhealth Medical Aid Scheme	14 February 2019	25 November 2019	228	8
26	Gauteng Division, Pretoria	KHUMALO J	14132/13	Oluntunfese T v Oriyomi	19 February 2019		223	7
27	Gauteng Division, Pretoria	vd Westhuizen	56496/15	B Ndzambo v RAF	28 February 2019	11 October 2019	214	7



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
28	Gauteng Division, Pretoria	RANCHOD	70648/17	MMI Group v	01 March 2019	3 December 2019	213	7
29	Gauteng Division, Pretoria	JUDGE KHUMALO	27301/13	George F Moss v Lobethl Ranch Pty) Ltd	04 March 2019		210	7
30	Gauteng Division, Pretoria	Collis J	24868/14	A Van Zyl vs B Willers	14 March 2019	19 November 2019	200	7
31	Gauteng Division, Pretoria	Collis J	17339/14	Nxumalo vs RAF	22 March 2019	07 October 2019	192	6

3.3.2.2 Gauteng Local Division, Johannesburg = 2

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
1	Gauteng Local Division, Johannesburg	GAUTSCHI AJ	32840/2017	EVOWOOD VS INTERWILL & NIELSEN	25 February 2019	14 October 2019	217	7
2	Gauteng Local Division, Johannesburg	SENYATSI AJ	32030/2018	ZIZWE DSD & OTHERS vs JEMMA HOLDINGS & OTHERS	18 March 2019	09 October 2019	196	7



3.3.3 KwaZulu-Natal

3.3.3.1 KwaZulu-Natal Division, Pietermaritzburg = 11

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Delivered During Term 4	Number of Days	Months
1	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	4426/2011	Allan Gray vs Chairperson of KZN	12 December 2012		2483	83
2	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	4416/2012 & 4417/2012	Redefine Prop vs D Van Der Merwe	04 June 2013		2309	77
3	KwaZulu-Natal Division, Pietermaritzburg	Henriques J	10169/2011	Z S Mbuyazi vs M Mafuleka	27 May 2016		1221	41
4	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	10987/2015	UmpHEME Development vs Ulundi Local Municipality	03 November 2017		696	23
5	KwaZulu-Natal Division, Pietermaritzburg	Henriques J	592/2017	Kzn Law Society v L T Khumalo	01 June 2018		486	16
6	KwaZulu-Natal Division, Pietermaritzburg	MNGUNI J	10146/2010	Stols vs Galicke & Bousfield & ors	12 September 2018		383	13
7	KwaZulu-Natal Division, Pietermaritzburg	Vahed J	9260/2013	Commissioner of SARS v G P Porritt N.O. & ors	24 October 2018		341	11
8	KwaZulu-Natal Division, Pietermaritzburg	Hadebe J	AR721/2017	CM Mdletshe vs Mniser of Police	01 February 2019	18 October 2019	241	8
9	KwaZulu-Natal Division, Pietermaritzburg	Ntshulana AJ	12244/2017	N. Kistern & ors v M. Naidoo & ors	19 February 2019		223	7
10	KwaZulu-Natal Division, Pietermaritzburg	Ntshulana AJ	AR597/2018	The State vs N M Zwane	22 February 2019		220	7
11	KwaZulu-Natal Division, Pietermaritzburg	Chili J	13958/2017	Nandz Construction & Projects (Pty) Ltd vs The MEC for Economic	14 March 2019	03 October 2019	200	7

3.3.3.2 Kwazulu-Natal Local Division, Durban= 16

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	KwaZulu-Natal Local Division, Durban	Henriques J	9398/2014	SASFIN BANK LIMITED VS NULLIAHLTP/LTD	20 January 2015	1714	57



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
2	KwaZulu-Natal Local Division, Durban	Moodley J	A80/2014	Credit Europe Bank NV vs Sale of the MV Tarik III	07 September 2017	753	25
3	KwaZulu-Natal Local Division, Durban	Moodley J	7900/2016	LDM Consulting vs Dube Tradeport Corp	15 September 2017	745	25
4	KwaZulu-Natal Local Division, Durban	Moodley J	2629/2010	Olive Marketing CC/Eden Crescent	23 November 2017	676	23
5	KwaZulu-Natal Local Division, Durban	JUDGE K PILLAY	13840/2011	M SINGH VS MEC FOR EDUCATION FOR THE PROVINCE OF KZN	29 November 2017	670	22
6	KwaZulu-Natal Local Division, Durban	JUDGE K PILLAY	6710/2017	LINKAFRICA V SANLAM LIFE INSURANCE & OTHERS	18 May 2018	500	17
7	KwaZulu-Natal Local Division, Durban	Henriques J	2557/2016	Distell Limited vs Naidoo Chris	24 August 2018	402	13
8	KwaZulu-Natal Local Division, Durban	Henriques J	13225/2010	VOERMOL FEEDS (PTY)LTD V LOUIS DE LA REY HATTINGH	17 September 2018	378	13
9	KwaZulu-Natal Local Division, Durban	Henriques J	11609/2006	UNILEVER SOUTH AFRICAN HOME & PERSONAL CARE (PTY) LTD V M.K NAIDOO & ANOTHER	11 October 2018	354	12
10	KwaZulu-Natal Local Division, Durban	Henriques J	7333/2017	D. Oosthuizen & Others v Ethekewini Municipality & Others	08 November 2018	326	11
11	KwaZulu-Natal Local Division, Durban	Chili J	8644/2014	T Govender vs D Govender and 1 other	09 November 2018	325	11
12	KwaZulu-Natal Local Division, Durban	Sishi J	AR437/2017	Ethekewini Municipality v McSteel Services Centres	07 December 2018	297	10
13	KwaZulu-Natal Local Division, Durban	Balton J	AR701/2017	R EBRAHIM v AH CHETTY	30 January 2019	243	8
14	KwaZulu-Natal Local Division, Durban	Henriques J	10842/2017	Ethekewini Municipality v Mantengu Investments CC & Others	22 February 2019	220	7
15	KwaZulu-Natal Local Division, Durban	Vahed J	4671/2018	M Pillay v I Pillay & ano	28 February 2019	214	7
16	KwaZulu-Natal Local Division, Durban	Vahed J	13989/2018	M Gooderson v J Gooderson & ors	29 March 2019	185	6



3.3.4 Division: Limpopo

3.3.4.1 Limpopo Local Division, Thohoyandou

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	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	Limpopo Local Division, Thohoyandou	Kgomo J	312/2017	Vhulahani Angelina Nemagovhani v Nngwedzeni Alfred Nemagovhani & 2 others	06 November 2018	328	11
2	Limpopo Local Division, Thohoyandou	Kgomo J	950/2017	Vhamusanda vho Netshandama Takalani & 2 others v Thulamela Municipality & 5 others	13 November 2018	321	11
3	Limpopo Local Division, Thohoyandou	Kgomo J	022/2018	DPP Valuers (Pty) Ltd v Musina Local Municipality	05 February 2019	237	8
4	Limpopo Local Division, Thohoyandou	Kgomo J	1314/2017	Baloyi Tlangalani Dollence v Managa Luambo Flora & 5 Others	26 February 2019	216	7
5	Limpopo Local Division, Thohoyandou	Kgomo J	351/2018	Ramuntshi Azwifarwi Phillemon	26 February 2019	216	7
6	Limpopo Local Division, Thohoyandou	Kgomo J	598/2011	Mulaudzi Thilivhali Elphas v ADV Gideon James Joubert & 3 Others	26 February 2019	216	7
7	Limpopo Local Division, Thohoyandou	Kgomo J	018/1989	Nditsheni Meriam Radali v Sarah Radali No.	05 March 2019	209	7
8	Limpopo Local Division, Thohoyandou	Kgomo J	507/2013	Masala Pardon v Raf	06 March 2019	208	7
9	Limpopo Local Division, Thohoyandou	Kgomo J	1208/2017	Managa Washington v Minister of Police	07 March 2019	207	7
10	Limpopo Local Division, Thohoyandou	Kgomo J	1025/2016	Mahuma C v Min of Police	19 March 2019	195	7
11	Limpopo Local Division, Thohoyandou	Kgomo J	1109/2016	Tshililo Josephine Lugisani v Master of the High Court 7 2 Others	20 March 2019	194	6
12	Limpopo Local Division, Thohoyandou	Kgomo J	480/2016	Mokoena Palesa Pixie v Raf	20 March 2019	194	6

