



# RESERVED JUDGMENT REPORT FOR THE CHIEF JUSTICE

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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

During the beginning of term 1 of 2020 there were a total of **62** judgments reserved for longer than six months since the date of last hearing. These 62 reserved judgments are accounted as follows: Constitutional Court (4); Labour Court Durban (1), Labour Court Johannesburg (6), Eastern Cape Division, Grahamstown (1), Eastern Cape Local Division, Port Elizabeth (2), Gauteng Division, Pretoria (15), Gauteng Local Division, Johannesburg (6), KwaZulu-Natal Division, Pietermaritzburg (8), KwaZulu-Natal Local Division, Durban (9), Limpopo Local Division, Thohoyandou (4), Mpumalanga Division, Mbombela (1), Northern Cape Division, Kimberley (1) and Western Cape Division, Cape Town (4).

The following courts had 0 judgments reserved for longer than six months since the date of last hearing: Supreme Court Of Appeal, Competition Appeal, Labour Court Cape Town, Labour Court Port Elizabeth, Land Claims Court, Eastern Cape Local Division, Bisho, Eastern Cape Local Division, Mthatha, Free State Division, Bloemfontein, Limpopo Division, Polokwane, Mpumalanga Local Division, Middelburg and the North West Division, Mahikeng.



### 3. Reserved Judgments Breakdown Per Court

#### 3.1. Constitutional Court = 4

	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 Ltd	05 March 2019	301	9
2	Constitutional Court	CCT 179/18	The Competition Commission vs Standard Bank of South Africa Ltd	05 March 2019	301	9
3	Constitutional Court	CCT 218/18	The Competition Commission vs Waco Africa (PTY) Limited	05 March 2019	301	9
4	Constitutional Court	CCT 294/18	AB and CB vs Pridwin Preparatory School and Others	16 May 2019	229	7

#### 3.2. LABOUR COURTS

##### 3.2.1. Labour Court Johannesburg = 6

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comments
1	Labour Court Johannesburg	KUHN AJ	JR2074/13	SATAWU obo Mthetheleli Thom v/s Transnet Engineering	10 July 2018	539	17	
2	Labour Court Johannesburg	MACHAKA AJ	JR691/18	FEZIWE MABASA// DR SIRIGU	09 January 2019	356	11	
3	Labour Court Johannesburg	RAPHULU AJ	JR2554/16	R.M KELOBETSHOE v/s MINISTER OF SAFETY & SECURITY	07 February 2019	327	10	
4	Labour Court Johannesburg	RAPHULU AJ	JR2438/16	NUM v/s EOISTRA N.H. EQUIPMENT (PTY) LTD	26 February 2019	308	10	Judgment Handed Down on 4 Feb 20
5	Labour Court Johannesburg	LAGRANGE J	JS441/17	NUMSA obo Maseko & Others v/s Glencore Impunzi Complex	04 March 2019	302	9	Judgment Handed Down on 30 Jan 20
6	Labour Court Johannesburg	LAGRANGE J	JS166/16	Phillip Henry Groom v/s Daimler Fleet Management	26 March 2019	280	9	Judgment Handed Down on 30 Jan 20



**3.2.2. Labour Court Durban = 1**

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comments
1	Labour Court Durban	Lagrange J	D339/17	N Langa v Dept of Correctional Services	13 March 2019	293	9	Judgment Handed Down on 30 January 2020

**3.3. HIGH COURT DIVISIONS****3.3.1. Division: Eastern Cape****3.3.1.1 Eastern Cape Division, Port Elizabeth = 2**

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comment
1	Eastern Cape Local Division, Port Elizabeth	Malusi J	2465/2017	Furniture Installation v DJ Naude	08 November 2018	418	13	Judgment Handed Down on 11 February 2020
2	Eastern Cape Local Division, Port Elizabeth	Malusi J	3306/2017	KJ Ogunniyi v Toribrite (Pty) Ltd	08 November 2018	418	13	Judgment Handed Down on 30 January 2020

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

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comments
1	Eastern Cape Division, Grahamstown	Judge Malusi	2761/2017	B Field v A Cotterell & 3 others	11 June 2019	203	6	Judgment Handed Down on 20 February 2020



**3.3.2. Gauteng**

**3.3.2.1 Gauteng Division, Pretoria**

**= 15**

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	COMMENTS
1	Gauteng Division, Pretoria	Khumalo J	46038/16	AH Siyid v Refugee Appeal Board	05 June 2018	574	18	Judgment Handed Down on 06 February 2020
2	Gauteng Division, Pretoria	Khumalo J	67091/17	EV Industriële Dienste v Early Moon Trading	06 November 2018	420	13	
3	Gauteng Division, Pretoria	Khumalo J	21816/17	Lydia van der Merwe v Bevan Management Services	04 December 2018	392	12	
4	Gauteng Division, Pretoria	Khumalo J	26131/17	Underberg Dairy(Pty) Ltd	06 February 2019	328	10	
5	Gauteng Division, Pretoria	Basson J	34312/10	Mineral-Loy (Pty) Ltd v Highveld Steel & Vanadium & 1	08 February 2019	326	10	Judgment Handed Down on 27 January 2020
6	Gauteng Division, Pretoria	Khumalo J	40177/17	F van der Weier +7 v Min of Justice	11 February 2019	323	10	
7	Gauteng Division, Pretoria	Khumalo J	10222/18	Z Rabaney v Schoeman Attorneys Inc	12 February 2019	322	10	
8	Gauteng Division, Pretoria	Khumalo J	16878/18	PB Magopeni v Acacia Mining SA	13 February 2019	321	10	
9	Gauteng Division, Pretoria	Khumalo J	14132/13	Oluntufes T Oriyomi v Min Of Police	19 February 2019	315	10	
10	Gauteng Division, Pretoria	Khumalo J	4800/12	J Conradie v HPC Conradie	11 April 2019	264	8	
11	Gauteng Division, Pretoria	Khumalo J	4003/15	Bangile Manxeba v RAF	17 April 2019	258	8	
12	Gauteng Division, Pretoria	Strijdom AJ	37681/12	Brooklyn Edge +1 Other vs City of Tshw	17 May 2019	228	7	
13	Gauteng Division, Pretoria	Khumalo J	74231/14	JL Swart v RAF	04 June 2019	210	6	



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	COMMENTS
14	Gauteng Division, Pretoria	Mabuse J, Khumalo J, J. v Nieuwenhuizen	A283/17	Meshack Malele & Others v State	10 June 2019	204	6	Judge Khumalo to write the Judgement
15	Gauteng Division, Pretoria	Mabuse J	66578/16	Tantaswa L Nkebe v RAF	21 June 2019	193	6	

### 3.3.2.2 Gauteng Local Division, Johannesburg = 6

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comment
1	Gauteng Local Division, Johannesburg	TSATSAWANE AJ	40750/2012	D JOVANOVIC & OTHERS vs PUHACA	13 May 2019	232	7	Judgment Handed Down on 14/02/2020
2	Gauteng Local Division, Johannesburg	YACOOB J	004823/2017	HUDSON:JACQUI obo JORDAN ROBYN WATTRUS v HERONBRIDGE COLLEGE	13 May 2019	232	7	
3	Gauteng Local Division, Johannesburg	TSATSAWANE AJ	01343/2019	BOITUMELO MOSIKARI & ANOTHER vs M.P STEFAANS & ANOTHER	14 May 2019	231	7	Judgment Handed Down on 14/02/2020
4	Gauteng Local Division, Johannesburg	YACOOB J	33040X/2016	MBAMBO BEKEZELA v PRASA	22 May 2019	223	7	
5	Gauteng Local Division, Johannesburg	YACOOB J	34199/2011	MANTSIE: HERBERT MPHAPHLA v RAF	10 June 2019	204	6	Judgment was handed down on 10/02/2020
6	Gauteng Local Division, Johannesburg	YACOOB J	23000/2017	FREDERICK PETRUS FOURIE v WAYNE STEFAN DU TOIT	18 June 2019	196	6	Judgment was handed down on 11/02/2020



### 3.3.3 KwaZulu-Natal

#### 3.3.3.1 KwaZulu-Natal Division, Pietermaritzburg = 8

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comments
1	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	4426/2011	Allan Gray vs Chairperson of KZN	12 December 2012	2575	84	
2	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	4416/2012 & 4417/2012	Redefine Prop vs D Van Der Merwe	04 June 2013	2401	78	
3	KwaZulu-Natal Division, Pietermaritzburg	Henriques J	10169/2011	Z S Mbuyazi vs M Mafuleka	27 May 2016	1313	43	
4	KwaZulu-Natal Division, Pietermaritzburg	VanZÿ J	10987/2015	UmpHEME Development vs Ulundi Local Municipality	03 November 2017	788	25	
5	KwaZulu-Natal Division, Pietermaritzburg	Henriques J	592/2017	Kzn Law Society v L T Khumalo	01 June 2018	578	18	Judgment Handed Down on the 27 <sup>th</sup> January 2020
6	KwaZulu-Natal Division, Pietermaritzburg	MNGUNI J	10146/2010	Stols vs Galicke & Bousfield & ors	12 September 2018	475	15	
7	KwaZulu-Natal Division, Pietermaritzburg	Ntshulana AJ	12244/2017	N. Kistern & ors v M. Naidoo & ors	19 February 2019	315	10	
8	KwaZulu-Natal Division, Pietermaritzburg	Ntshulana AJ	AR597/2018	The State vs N M Zwane	22 February 2019	312	10	Judgment Handed Down on the 31 <sup>st</sup> January 2020

#### 3.3.3.2 Kwazulu-Natal Local Division, Durban= 9

	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	1806	59	
2	KwaZulu-Natal Local Division, Durban	Moodley J	A80/2014	Credit Europe Bank NV vs Sale of the MV Tarik III	07 September 2017	845	27	
3	KwaZulu-Natal Local Division, Durban	Moodley J	7900/2016	LDM Consulting vs Dube Tradeport Corp	15 September 2017	837	27	



	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	
4	KwaZulu-Natal Local Division, Durban	Moodley J	2629/2010	Olive Marketing CC/Eden Crescent	23 November 2017	768	25	
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	762	25	
6	KwaZulu-Natal Local Division, Durban	JUDGE K PILLAY	6710/2017	LINKAFRICA V SANLAM LIFE INSURANCE & OTHERS	18 May 2018	592	19	Judgment Handed Down on 31 January 2020
7	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	446	14	
8	KwaZulu-Natal Local Division, Durban	Henriques J	10842/2017	Ethekwini Municipality v Mantengu Investments CC & Others	22 February 2019	312	10	
9	KwaZulu-Natal Local Division, Durban	Radebe J	5491/2016	Gregory Craig Ayres + 1 v The Minister of Justice + Correctional Services + 1	26 April 2019	249	8	

### 3.3.4 Division: Limpopo

#### 3.3.4.1 Limpopo Local Division, Thohoyandou = 4

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comments
1	Limpopo Local Division, Thohoyandou	Kgomo J	950/2017	Vhamusanda vho Netshandama Takalani & 2 others v Thulamela Municipality & 5 others	13 November 2018	413	13	Judgment Handed Down on 29 January 2020
2	Limpopo Local Division, Thohoyandou	Kgomo J	022/2018	DPP Valuers (Pty) Ltd v Musina Local Municipality	05 February 2019	329	10	Judgment Handed Down on 29 January 2020
3	Limpopo Local Division, Thohoyandou	Kgomo J	598/2011	Mulaudzi Thilivhali Elphas v ADV Gideon James Joubert & 3 Others	26 February 2019	308	10	Judgment Handed Down on 29 January 2020
4	Limpopo Local Division, Thohoyandou	Kgomo J	507/2013	Masala Pardon v Raf	06 March 2019	300	9	Judgment Handed Down on 29 January 2020





**3.3.5 Division: Northern Cape****3.3.5.1 Northern Cape Division, Kimberly = 1**

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	
1	Northern Cape Division, Kimberly	Williams J	363/19	Sydney on Vaal Property vs Theta Mining	03 May 2019	242	7	Judgment Handed Down on 26 February 2020

**3.3.6 Division: Mpumalanga****3.3.6.1 Mpumalanga Division, Mbombela = 1**

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months
1	Mpumalanga Division, Mbombela	Mashile J	352/2018	MTSWENI O/ RAF	29 April 2019	246	8

**3.3.7. Division: Western Cape****3.3.7.1 Western Cape Division, Cape Town = 4**

	OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Number of Days	Months	Comment
1	Western Cape Division, Cape Town	Engers, AJ	20866/2014	Keith Williams v Charl Smit	13 October 2017	809	26	Judgment Handed Down on 21 February 2020
2	Western Cape Division, Cape Town	Desai, ADJP	A255/2018	Sunrise Energy (Pty) Ltd v Avedia Energy (Pty) Ltd & 3 Others	29 January 2019	336	11	
3	Western Cape Division, Cape Town	Dolamo, J	8667/2013	Nomakhosazana Judith Mbatsha & 1 Other v Minister of Police	30 May 2019	215	7	
4	Western Cape Division, Cape Town	Erasmus J	9480/2018	E. Ramugondo & 1 Other v University of Cape Town & 2 Others	18 June 2019	196	6	Judgment Handed Down on 11 February 2020

