

REPUBLIC OF SOUTH AFRICA
SUPREME COURT OF APPEAL
BULLETIN 2006
NO 3

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5. APPEALS DISPOSED OF WITHOUT WRITTEN REASONS

1. **BULLETINS**

Number 1, 2006 – As at 8 December 2005

Number 2, 2006 – As at 3 April 2006

Number 3, 2006 – As at 1 June 2006

2. **JUDGMENTS RESERVED**

Transnet Limited and 2 Others v PNN Chirwa (24/2005)

Date heard: 28 February 2006

Mpati DP, Cameron JA, Mthiyane JA, Conradie JA, Jafta JA

Catchwords

Labour law – appeal against reviewing and setting aside of dismissal of respondent from employ of 1st appellant – whether decision to terminate respondent's employment constitutes administrative action subject to judicial review – whether poor performance appraisal held by 3rd appellant procedurally unfair, and if so, whether reasonable and justifiable departure from requirement of procedural fairness

Appealed from WLD

1. **SANDU and Another v The Minister of Defence and Others (306/2005)**
2. **Minister of Defence and Others v SANDU (307/2005)**
3. **Minister of Defence and Others v SANDU and Others (004/2005)**

Date heard: 1. – 8 May; 2. – 9 May; 3. – 10 May 2006

Mpati DP, Cameron JA, Nugent JA, Conradie JA, Jafta JA

Catchwords

Labour law – collective bargaining – labour rights of members of SANDF and constitutional validity of regulations published under 1957 Defence Act – whether SANDU has constitutional right to collective bargaining in terms of s 23(4) of Constitution – whether SANDF has correlative duty to bargain with union – meaning of "*right to engage in collective bargaining*" – appealability of order granting interim interdict

Appealed from TPD. 1. 2003 (3) SA 239 (T); (2003) 24 ILJ 1495 (T) 2. 2004 (4) SA (T); (2003) 24 ILJ 2101 (T); [2003] 3 All SA 436 (T).

Mittalsteel South Africa Ltd v MS Hlatshwayo (326/2005)**Date heard:** 22 May 2006**Mpati DP, Mthiyane JA, Lewis JA, Jafta JA, Cachalia AJA****Catchwords**

Information – Promotion of Access to Information Act 2 of 2002 – whether appellant public body during period from 1965 to 1973 – whether appellant obliged to make documentation available to respondent

Appealed from TPD**3. CASES ENROLLED FOR HEARING****Aventura Ltd v HS Jackson and Others (290/2005)****Date to be heard:** 15 August 2006**Harms JA, Nugent JA, Conradie JA, Lewis JA, Maya JA****Catchwords**

Property law – right of way – whether reasonably necessary to grant right of way over appellant's property to provide vehicular access to respondents' property – whether court correct in applying principle "ter minste schade, ende ter naaster lage"

Appealed from CPD. [2005] 2 All SA 518 (C)**The Minister of Finance and Others v Bernard Gutman NO (230/2006)****Date to be heard:** 15, 16 August 2006**Cameron JA, Mthiyane JA, Brand JA, Mlambo JA, Malan AJA****Catchwords**

Administrative law – tender process – whether respondent's claim for damages for lost profits as result of not being awarded contract due to corruption and fraud by officials of former provincial administration has prescribed – whether appellants vicariously liable – whether, but for corruption and fraud, tender would have been awarded to respondent – whether respondent entitled to wasted expenses incurred in preparation of its tender

Appealed from TPD**Michael Naylor and Another v PJ Jansen (508/2005)****Date to be heard:** 15 August 2006**Cloete JA, Theron AJA, Cachalia AJA****Catchwords**

Costs – appeal against application under Rule 34(12) in which court declined to vary costs order made in defamation action – whether defamation actions constitute exceptions to general rule that unsuccessful defendant who had previously submitted adequate offer of settlement to plaintiff, not liable for plaintiff's costs from date of offer and entitled to costs of action from that date – if not, whether decision of court *a quo* not to amend earlier costs order should be interfered with

Appealed from WLD**Automotive Tooling Systems (Pty) Ltd v SJ Wilkens and Others (581/2005)****Date to be heard:** 16 August 2006**Farlam JA, Nugent JA, Lewis JA, Maya JA, Cachalia AJA**

Catchwords

Restraint of trade – whether possession of protectable information by appellant and misuse thereof by respondent shown – whether certain independent contractor agreements contravene Labour Relations Act 66 of 1995 and *in fraudem legis* and thus invalid – whether covenants in restraint of trade in independent contractor agreements valid

Appealed from TPD

The City of Cape Town v Helderberg Park Development (Pty) Ltd (429/2005)

Date to be heard: 17 August 2006

Harms JA, Mthiyane JA, Nugent JA, Conradie JA, Theron AJA

Catchwords

Expropriation – Expropriation Act 63 of 1975, s 12(5)(f), interpretation of – whether expropriated land to be valued on basis of value of expropriated property prior to granting of development rights

Appealed from CPD

Minister of Water Affairs and Forestry and Others v HJS Durr and Others (278/2005)

Date to be heard: 17, 18 August 2006

Zulman JA, Ponnann JA, Combrinck AJA

Catchwords

Delict – veld fire - whether Safcol owed duty to plaintiffs to prevent fire from spreading onto their properties – whether contributory negligence by Safcol in relation to spread of fire

Appealed from CPD

The Director of Public Prosecutions, Transvaal v EP Mtshweni (52/2006)

Date to be heard: 17 August 2006

Farlam JA, Cloete JA, Lewis JA

Catchwords

Criminal Procedure – Criminal Procedure Act, ss 186 and 319 – whether trial court had duty to call ballistics expert his evidence essential to just decision case

Appealed from TPD

CP de Leeuw and Others v MEC Local Government and Housing, Free State Province and Others (420/2005)

Date to be heard: 18 August 2006

Harms JA, Farlam JA, Brand JA, Malan AJA, Cachalia AJA

Catchwords

Administrative law – review – whether 1st respondent properly exercised discretionary power to refuse application to amend town planning scheme – whether grounds for review relied on speculative, vague and unclear after taking into account all relevant factors, including appellants' failure to submit traffic impact study which is a critical consideration

Appealed from OPD

Schabir Shaik and Others v The State (62/2006)

Date to be heard: 21-25 August 2006

Howie P, Mpati DP, Streicher JA, Navsa JA, Heher JA

Catchwords

Criminal law – conviction and sentence – Corruption Act 1992, s 1(1)(a)(i) and Prevention of Organised Crime Act 1998, s 4(a) and (b) – meaning of “power” and “duty” – common purpose between individual in private capacity and as director of company – whether fraud proved beyond reasonable doubt – whether sentence imposed startlingly inappropriate – whether substantial and compelling circumstances present

Appealed from DCLD

Fuel Retailers Association of SA (Pty) Ltd v Director General: Environmental Management Mpumalanga and Others (530/2005)

Date to be heard: 21 August 2006

Harms JA, Conradie JA, Lewis JA, Maya JA, Cachalia AJA

Catchwords

Administrative law – review proceedings – Environmental Conservation Act 73 of 1989, ss 21, 22 and 26 – whether application for review of decision regarding establishment of filling station well-founded

Appealed from TPD

IJ Burger v Rand Water Board and Another (392/2005)

Date to be heard: 21 August 2006

Brand JA, Mlambo JA, Combrinck AJA

Catchwords

Procedure – appeal against upholding of exception against and striking out of special plea of non-joinder – whether members of 2nd respondent have legal interest in subject matter of action

Appealed from OPD

Private Security Industry Regulatory Authority v Anglo Platinum Management Services Ltd (588/2005)

Date to be heard: 22 August 2006

Cameron JA, Nugent JA, Ponnann JA, Maya JA, Theron AJA

Catchwords

Private security industry – whether exemptions granted under regulation 10(3) of the Regulations Relating to Appeals and Applications for Exemptions, 2003 promulgated in terms of Private Security Industry Regulatory Act 56 of 2001 of indefinite duration – whether they afforded rights to respondents which Minister of Safety and Security could not withdraw by promulgating regulations – whether regulation 10(3) and 8 are constitutionally impermissible because they apply retrospectively – whether right to procedural fairness breached prior to their promulgation

Appealed from TPD

Howard Walker v Sandra Redhouse (393/2005)

Date to be heard: 22 August 2006

Mthiyane JA, Lewis JA, Malan AJA

Catchwords

Contract – indemnity – meaning, effect and applicability of indemnity signed by respondent which absolving appellant from loss or damage sustained in event of death or injury in course of horse-riding about appellant's property

Appealed from TPD

ED Pretorius and Others v M de Clercq (492/2005)**Date to be heard:** 23 August 2006**Zulman JA, Mthiyane JA, Conradie JA****Catchwords**

Land – PIE Act 19 of 1998, s 4(2) – appeal against eviction order granted against appellants – whether section compelling or directory

Appealed from TPD**First Rand Bank Ltd t/a Rand Merchant Bank and Another v DA Scholtz NO and Others (373/2005)****Date to be heard:** 24 August 2006**Harms JA, Farlam JA, Nugent JA, Combrinck JA, Malan AJA****Catchwords**

Spoliation orders – interpretation – whether withdrawal pursuant to expiry of agreements by effluxion of time, of service facilitating delivery of water by way of irrigation network constituted spoliation – whether respondents had a right to water delivered by appellants' irrigation network – whether this right incident of possession of corporeal right – whether quasi-possession of incorporeal right interfered with by appellants proved

Appealed from TPD**Heneways Freight Services (Pty) Ltd v Klaus Grogor (387/2005)****Date to be heard:** 24 August 2006**Zulman JA, Cloete JA, Theron AJA****Catchwords**

Company law – Companies Act, s 424(1) – whether conduct of company amounted to its business being carried on recklessly or with intent to defraud – whether respondent, on behalf of company, had reasonable expectations of funds from two potential sources – if so, whether this sufficient to exclude company's conduct from falling within ambit of section

Appealed from WLD**Road Accident Fund v Sheldon Smith (334/2005)****Date to be heard:** 25 August 2006**Harms JA, Brand JA, Cloete JA, Mlambo JA, Cachalia AJA****Catchwords**

Road Accident Fund – appeal against a decision in respect of a special plea upholding the waiver/renunciation by the appellant of the requirements of Regulation 2(1)(c) of the Regulations promulgated under the Act – whether possible for Fund to recognise claim which has prescribed in terms of provisions of Act by the waiver/renunciation of right to rely on a right of prescription – whether possible for Fund to waive/renounce compliance with the provisions of Regulation 2(1)(c)

Appealed from NPD**NYP Garrido v Director Public Prosecutions WLD and Others (177/2005)****Date to be heard:** 25 August 2006**Farlam JA, Cameron JA, Ponnann JA****Catchwords**

Extradition – Extradition Act 67 of 1962, s 10(1) – whether magistrate's refusal to allow appellant to lead evidence during extradition enquiry constitutes reviewable irregularity

Appealed from WLD

Dominium Risk Management (Pty) Ltd and Another v HD Barnard (414/2005)

Date to be heard: 28 August 2006

Harms JA, Zulman JA, Mthiyane JA, Conradie JA, Mlambo JA

Catchwords

Insurance – insurable interest – whether insurable interest prerequisite required by our law of insurance as well as our common law – whether trustee had insurable interest in and to property owned by trust

Appealed from TPD

GP Prosch and Others v Impala Water Users Association (428/2005)

Date to be heard: 28 August 2006

Farlam JA, Brand JA, Lewis JA, Ponnann JA, Theron AJA

Catchwords

Water use – National Water Act, s 59(4) – whether water use charges properly and lawfully raised – proper construction of water user association's constitution, powers of association – which are procedures to be followed in exercise of powers – how provisions of section 59(4) to be properly implemented

Appealed from NPD

MEC for Public Works, Roads and Transport, Free State Province v T. Esterhuizen and Others (488/2005)

Date to be heard: 28 August 2006

Nugent JA, Cloete JA, Cachalia AJA

Catchwords

Delict – negligence – whether appellant's negligence caused motor vehicle accident in which respondents involved – whether height of drop between tar surface and shoulder of road hazardous – whether appellant's failure to maintain gravel shoulders excusable – whether costs order on scale as between attorney and own client justifiable

Appealed from OPD

MJ Allers and Others v P Fourie NO and Others (491/2005)

Date to be heard: 29 August 2006

Zulman JA, Cameron JA, Brand JA, Combrinck AJA, Malan AJA

Catchwords

Insolvency – Insolvency Act 24 of 1936, s 44 – whether creditors who have already proved claims against insolvent estates had to prove their claims in terms of s 44 – whether master had to apply s 419 of Companies Act, read together with s 66 Close Corporations Act – whether respondents had necessary *locus standi* – whether defence of *res iudicata* applicable

Appealed from TPD

TLP Shilubana and Others v S Nwamitwa and Commission for Gender Equality (amicus curiae) (11/2005)

Date to be heard: 29 August 2006

Farlam JA, Mthiyane JA, Nugent JA, Mlambo JA, Maya JA

Catchwords

Constitutional law – customary law – Constitution, ss 9, 10, 39 and 211 – dispute as to succession to chieftainship of Valoyi Tribe – whether right to succeed based on primogeniture consistent with Constitution – whether Royal Family, Royal Council and Tribal Authority could align custom with Constitution – whether

applicable customary law does not allow women to be appointed as chief – whether rule has been adapted by community to make it relevant to present times – whether court erred in not developing rule so as to promote spirit, purport and objects of Bill of Rights

Appealed from TPD

Nedcor Bank Ltd v RA Rundle (455/2005)

Date to be heard: 31 August 2006

Harms JA, Ponnar JA, Combrinck AJA Malan AJA, Cachalia AJA

Catchwords

Prescription – Prescription Act, s 13(1)(g), interpretation of – does impediment cease to exist when claim cannot be discharged out of free residue in estate – whether debt remains subject of claim filed in estate until confirmation of final liquidation and distribution account

Appealed from OPD

Howick Districts Landowners Association v Umngeni Municipality and Others (423/2005)

Date to be heard: 31 August 2006

Zulman JA, Cameron JA, Lewis JA, Maya JA, Theron AJA

Catchwords

Local Government – municipal property rates – principle of legality – whether actions taken by 1st respondent in assessing and levying 2004/2005 property rates in respect of category of ratepayers valid – whether resolutions passed and then amended by 1st respondent in respect of levying and determination of rates *ultra vires*

Appealed from NPD

Adv EG Klopper v N Schreuder (499/2005)

Date to be heard: 31 August 2006

Conradie JA, Cloete JA, Mlambo JA

Catchwords

Contract – breach – whether agreement between parties that respondent would pay appellant for appearing in Labour court – whether respondent under duty to pay appellant for services, irrespective of whether there was attorney of record

Appealed from TPD

Nokeng Tsa Taemane Local Municipality v Metsweding District Municipality (564/2005)

Date to be heard: 1 September 2006

Harms JA, Farlam JA, Cameron JA, Lewis JA, Theron AJA

Catchwords

Locus standi – whether respondent has *locus standi* for purposes of interfering with actions undertaken by appellant in dealing with unlawful land invasion – significance and meaning of mandamus issued against appellant for leave to act in accordance with PIE notwithstanding abandonment of initial prayer for setting aside of consent order evicting unlawful occupants – whether stay of consent eviction order should have been stayed

Appealed from TPD

CRH Hartley v Pyramid Freight (Pty) Ltd t/a Sun Couriers (498/2005)

Date to be heard: 1 September 2006

Mthiyane JA, Nugent JA, Cloete JA, Malan AJA, Cachalia AJA**Catchwords**

Delict – whether appellant bound by limitation provisions of respondent's standard conditions – if so, was appellant at time of conclusion of agreement mistaken as to its content and was such mistake *iustus* – if so, is appellant entitled to ignore limitation clauses whilst still relying upon contract for relief

Appealed from TPD

N Madzunye and Another v Road Accident Fund (017/06)

Date to be heard: 1 September 2006

Brand JA, Maya JA, Combrinck AJA

Catchwords

Delict – negligence – whether various drivers were negligent – whose negligence caused collision

Appealed from VPD

CSARS v Komatsu Southern Africa (Pty) Ltd (448/2005)

Date to be heard: 4 September 2006

Harms JA, Brand JA, Cloete JA, Theron AJA, Cachalia AJA

Catchwords

Customs and Excise – appeal against tariff determination in terms of Customs and Excise Act 91 of 1964, s 47(9) – whether machine imported by respondent falls under tariff item 8429.51.20 or 8430.50

Appealed from DCLD

Drifters Adventure Tours v B. L. Hircock (602/2005)

Date to be heard: 4 September 2006

Zulman JA, Farlam JA, Conradie JA, Mlambo JA, Maya JA

Catchwords

Contract – Interpretation and enforceability of exemption clause – whether the appellant is exempted from strict liability rather than from strict liability based on negligence – whether clause contrary to public policy.

Appealed from CGHPD

National Director of Public Prosecutions v Isaak Ncongwane and Others (478/2005)

Date to be heard: 4 September 2006

Cameron JA, Combrinck AJA, Malan AJA

Catchwords

Criminal law – organised crime – POCA 121 of 1998, s 18(1) – nature of burden of proof on applicant for grant of confiscation order – whether respondents acquired actual physical possession of moneys stolen – whether they derived benefit for purposes of grant of confiscation order – whether respondents should not be held jointly and severally liable for full benefit derived by gang of which they were members

Appealed from NCLD. 2005 (2) SACR 377 (N)

Commissioner for the South African Revenue Service v Motion Vehicle Wholesalers (Pty) Ltd (509/2005)

Date to be heard: 5 September 2006

Harms JA, Brand JA, Cloete JA, Theron AJA, Cachalia AJA

Catchwords

Customs and excise – Customs and Excise Act 91 of 1964, s 47(9), interpretation of – correct tariff heading under which certain station wagons classifiable

Appealed from TPD

Crown Chickens (Pty) Ltd t/a Rocklands Poultry v Renette Rieck (483/2005)

Date to be heard: 5 September 2006

Farlam JA, Mthiyane JA, Nugent JA, Mlambo JA, Combrinck AJA

Catchwords

Delict – Labour law – Compensation for Occupational Injuries and Diseases Act 130 of 1993, ss 35 and 36, interpretation of – whether respondent barred from instituting action against appellant because claim in respect of occupational injury – whether appellant employer of respondent – whether actions by security personnel employed by appellant in shooting at fleeing vehicle driven by robbers who had taken respondent hostage, wrongful and negligent

Appealed from SECLD. [2005] 3 All SA 583 (SE); (2005) 26 ILJ 1240 (SE)

The Government Employees Pension Fund and Another v R. Buitendag and Others (550/2005)

Date to be heard: 7 September 2006

Harms JA, Zulman JA, Conradie JA, Cloete JA, Ponnar JA

Catchwords

Administrative law – judicial review of decision of pension fund – whether decision of appellant to award death benefits of member to surviving husband and his minor son and not to her children, who were at time financially independent majors should be reviewed and set aside because Fund made decision without knowledge of existence of children – if decision not set aside, whether deceased's employer liable in damages to children because it negligently failed to inform Fund of existence of children

Appealed from TPD

Relyant Trading (Pty) Ltd v SP Shongwe and Another (472/2005)

Date to be heard: 7 September 2006

Cameron JA, Nugent JA, Mlambo JA, Combrinck AJA, Malan AJA

Catchwords

Criminal Procedure – Criminal Procedure Act 51 of 1977, s 41(b) – appeal against judgment granted against appellant based on malicious deprivation of liberty, malicious prosecution and loss of income as result of deprivation and prosecution – whether evidence in court *a quo* could prove any of above – whether court erred in granting 1st respondent's claim against appellant based on malicious arrest while this had not been 1st respondent's course of action – that members of SAPS who arrested 1st respondent did not act on instructions of appellant's employees, but exercised independent discretion in making arrest

Appealed from TPD

Minister of Safety and Security v N Folo and Others (435/2005)

Date to be heard: 8 September 2006

Mthiyane JA, Brand JA, Nugent JA, Maya JA, Malan AJA

Catchwords

Delict – Criminal Procedure Act 51 of 1977, s 49(2) – whether killing of respondents' breadwinner justified under section – applicability of whether

requirements laid down in *Govender v Minister of Safety and Security* 2001 (4) SA 273 (SCA) satisfied

Appealed from TPD

Popela Municipality and Others v Goedgelegen Tropical Fruits (Pty) Ltd (441/2005)

Date to be heard: 8 September 2006

Farlam JA, Conradie JA, Ponnann JA, Theron AJA, Cachalia AJA

Catchwords

Land rights – Restitution of Land Rights Act 22 of 1994, s 2(1)(d) – whether 1st appellant a community or part of a community as required by above section – were appellants dispossessed of a right in land – whether dispossession occurred as result of racially discriminatory laws or practices – whether appellants entitled to restitution of right in land in respect of portion of land in issue – whether appellants' labour tenant rights should be upgraded to full land ownership title in respect of portion(s) of land claimed by them as a community, alternatively, as individuals

Appealed from LCC

Rustenburg Platinum Mines Ltd v CCMA and Others (598/2005)

Date to be heard: 11 September 2006

Harms JA, Cameron JA, Cloete JA, Lewis JA, Maya JA

Catchwords

Labour law – Labour Relations Act 66 of 1995, s 145(2)(a)(iii) – how test of justifiability to be applied in context of review of CCMA arbitration awards by Labour Court

Appealed from LAC

Henoch Arendse v The State (651/2005)

Date to be heard: 11 September 2006

Judges to be assigned during the term

Catchwords

Criminal law – Sentence – Dealing with 2 109 kilograms of dagga – whether 5 years imprisonment of which 2 years were suspended for 4 years shockingly inappropriate in the light of the pre-sentencing reports as well as the appellant's personal circumstances

Appealed from CPD

PAH Van Zyl v MMM Fourie (261/2003)

Date to be heard: 12 September 2006

Harms JA, Mthiyane JA, Cloete JA, Lewis JA, Malan AJA

Catchwords

Delict – negligence – whether appellant negligent – whether contributory negligence by respondent – whether appellant's dog acted contra *naturam sui generis* – whether person with lawful purpose has legal right to be on premises – whether sufficient for action based on *actio de pauperie*

Appealed from OPD

LC Sassman v The State (78/2006)

Date to be heard: 12 September 2006

Nugent JA, Combrinck AJA, Cachalia AJA

Catchwords:

Criminal law – Sentence – Car theft – 12 years imprisonment – Whether irrelevant factors taken into account – Whether appellant treated as though part of a car theft syndicate

Appealed from TPD

National Director of Public Prosecutions v Dr JAK van Staden and Others (531/2005)

Date to be heard: 14 September 2006

Cameron JA, Nugent JA, Malan AJA, Theron AJA, Cachalia AJA

Catchwords

Crime – Prevention of Organised Crime Act – whether motor vehicle driven during commission of offence of drunken driving not an “instrumentality of an offence” - whether offence of drunken driving falls beyond scope of POCA – whether facts of case justify driver being permanently deprived of vehicle

Appealed from SECLD

Xolani Ngcina v The State (201/2006)

Date to be heard: 14 September 2006

Judges to be assigned during the term

Catchwords

Criminal law – conviction – whether identity of appellant as alleged attacker in armed robbery proven beyond reasonable doubt – whether identification of appellant by single witness unsatisfactory – whether court erred in dismissing appellant’s alibi

Appealed from ECD

Harold Plit v Imperial Bank Limited (70/2005)

Date to be heard: 15 September 2006

Farlam JA, Mthiyane JA, Mlambo JA, Combrinck AJA, Cachalia AJA

Catchwords:

Contract – sale – agreement, interpretation of – whether court *a quo* entitled to take any surrounding circumstances into account – whether surrounding circumstances comprised common cause facts – whether the *merx* comprised an “*incertum juris*” as contemplated by Voet – whether warranty against eviction excluded

Appealed from WLD

Sinamiso Sithole v The State (54/2006)

Date to be heard: 15 September 2006

Judges to be assigned during the term

Catchwords

Criminal law – conviction – 2 contraventions of ss 2 and 36 of Arms and Ammunitions Act 75 of 1969 – whether appellant’s guilt proved beyond reasonable doubt

Appealed from TPD

JP Dlamini and Another v The State (175/2001)

Date to be heard: 18 September 2006

Judges to be assigned during the term

Catchwords

Criminal law – conviction and sentence – murder and robbery – life imprisonment and 20 years for robbery – whether substantial and compelling circumstances – whether sentence shockingly inappropriate

Appealed from TPD

OZS Mdingi v The State (523/2003)

Date to be heard: 19 September 2006

Judges to be assigned during the term

Catchwords:

Criminal law – conviction – attempted murder – 8 years imprisonment – whether state proved that appellant acted with intent to kill

Appealed from WLD

AM de Jager v The State (53/2006)

Date to be heard: 20 September 2006

Judges to be assigned during the term

Catchwords

Criminal law – conviction – attempted rape (2 counts) – whether guilt of appellant proved beyond reasonable doubt

Appealed from TPD

4. JUDGMENTS MARKED NOT REPORTABLE

(Available from library)

Mongezi Memani v The State (450/2004)

- delivered 10 March 2005

Salome van Emmenes v Petrus Nicolaas Booyse (306/2004)

- delivered 29 March 2005

Bashee Motors (Pty) Ltd v Z Ntoyabo (105/2004)

- delivered 29 March 2005

JJ Venter v The State (147/2004)

- delivered 30 March 2005

Storegate Africa (Pty) Ltd v Airlink Cargo International (Pty) Ltd (071/2004)

- delivered 30 March 2005

I Sehoole NO and Another v Y Chablal (140/2004)

- delivered 31 March 2005

Welcome Ncube v The State (284/2004)

- delivered 31 March 2005

Normkow Administrators (Pty) Ltd v Fedsure Health Medical Scheme (400/04)

- delivered 23 May 2005

PJ Theart v The State (058/2004)
- delivered 23 May 2005

A Kriel v Die Staat (390/2004)
- delivered 25 May 2005

PJL Fourie v The State (364/04)
- delivered 18 August 2005

United National Public Servants Association of South Africa v SJ Digomo NO and
41 Others (441/04)
- delivered 2 September 2005

Elaine Claire Lawrence v The State (357/2004)
- delivered 15 September 2005
M Makhathini v The State (598/2004)
- delivered 19 September 2005

Pinkster Protestante Kerk and Another v Herlewingsentrum and Another
(273/2004)
- 22 September 2005

NDPP v OH Nel and Others (424/2004)
- delivered 22 September 2005

Timothy Nelson v The State (017/2005)
- delivered 22 September 2005

JM Sindane v The State (388/2004)
- delivered 28 September 2005

ABN-Amro Bank NV v Hyundai Corporation (375/2004)
- delivered 28 September 2005

Inventive Labour Structuring (Pty) Ltd v Dennis Corfe (031/2005)
- delivered 17 November 2005

MI Petersen v The State (205/2005)
- delivered 17 November 2005

Baynes Fashions (Pty) Ltd t/a Gerani v Hyprop Investments (Pty) Ltd (556/2004)
- delivered 29 November 2005

Dabalorivhuwa Patriotic Front and Another v Government Employees Pension
Fund and Another (553/2004)
- delivered 30 November 2005

Mmako v S (354/2004)
- delivered 30 November 2005

The Maize Board v TA Hart (248/2005)
- delivered 7 March 2006

Oos Vrystaat Kaap Bedryfs Bpk v IFJ van Aswegen (54/2005)
- delivered 17 March 2006

Sentraal-Suid Koöperasie Bpk v Bessemer Staalkonstruksie (Edms) Bpk
(516/2004)

- delivered 20 March 2006

R Heslop v The State (216/2005)

- delivered 20 March 2006

NP Nonyane v The State (256/2005)

- delivered 20 March 2006

RA Burris (Pty) Ltd v E Moumtzis (192/2005)

- delivered 23 March 2006

City of Johannesburg v Debbie Investments CC

- delivered 23 March 2006

SDP Muller v The State (236/2005)

- delivered 7 March 2006

DA de Swardt v The House of Trucks (Pty) Ltd (143/2005)

- delivered 27 March 2006

The State v Saeed (432/2005)

- delivered 29 March 2006

Muholi v The State (450/2005)

- delivered 29 March 2006

5. CASES DISMISSED WITHOUT WRITTEN REASONS

Satish Buldeo v Ranjith Choonilall NO and Another (072/2004)

- 17 March 2005

Daniel Johannes Coetzee v Rupert Day (468/2004)

- 5 September 2005

Dr J Breytenbach and Another v Municipality of Rustenburg (40/2005)

- 14 November 2005