

**REPUBLIC OF SOUTH AFRICA
SUPREME COURT OF APPEAL
BULLETIN 2004
NO 3**

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1. **BULLETINS**

Number 1, 2004 – As at 2 December 2003

Number 2, 2004 – As at 1 April 2004

Number 3, 2004 – As at 2 June 2004

2. **JUDGMENTS RESERVED**

Minister of Safety & Security and Another v PN Rudman and Another (218/03)

Date heard: 24 March 2004

Mpati DP, Farlam JA, Van Heerden AJA

Catchwords

Delict – negligence – cessation of CPR to young child who had fallen into swimming pool – whether negligent

Appealed from TPD

S Mthembi-Mahanyele v The Mail and Guardian Limited and Another (054/ 03)

Date heard: 6 May 2004

Howie P, Mpati DP, Mthiyane JA, Lewis JA, Ponnann AJA

Catchwords

Defamation – appellant accused of having awarded building contract to close friend – whether or not statement was defamatory in context of a year and a half's reportage on scandal – question of appropriate *quantum* of damages

Appealed from WLD

Road Accident Fund v MB Lefu (649/02)

Date heard: 20 May 2004

Howie P, Marais JA, Jones AJA, Southwood AJA, Ponnann AJA

Catchwords

Road Accident Fund – interpretation – whether regulation 2(1)(c) of the Regulations promulgated in terms of s 26 of RAF Act, 56 of 1996, *ultra vires* – whether non-compliance with said Regulation a resolute condition disqualifying claimant from claiming under s 17(1)(b) of act

Appealed from WLD

3. CASES ENROLLED FOR HEARING

Radio Pretoria v Chairman of the ICA and Another (402/2003)

Date to be heard: 16 August 2004

Mpati DP, Streicher JA, Navsa JA, Heher JA, Van Heerden AJA

Catchwords

Broadcasting Act 4 of 1999, s 32(3) – Independent Broadcasting Authority of South Africa Act 13 of 2000, s 2(g) – whether refusal by ICASA to grant appellant's application for temporary community broadcasting licence should be set aside

Appealed from TPD. 2003(5) SA 451 (T)

Southernport Developments (Pty) Ltd v Transnet Limited (440/2003)

Date to be heard: 16 August 2004

Harms JA, Farlam JA, Cameron JA, Comrie AJA, Ponnana AJA

Catchwords

Lease – whether agreement not enforceable, where no rental provided for – whether principle of *certum est quod certum potest* applies

Appealed from WLD. 2003 (5) SA 665 (W)

Board of Healthcare Funders of South Africa v Bestmed Medical Scheme (416/03)

Date to be heard: 17 August 2004

Harms JA, Brand JA, Cloete JA, Comrie AJA, Jaftha AJA

Catchwords

Copyright – whether appellant entitled to continue to operate and administer respondent's Practice Code Numbering System (PCNS) notwithstanding fact that appellant ceased to exist as statutory body with effect from 1 January 1994 – interpretation of clause in agreement – whether respondent should have been afforded first option to return of PCNS in event of appellant ceasing to exist as statutory body

Appealed from TPD

Western Platinum Limited v Commissioner for South African Revenue Services (294/03)

Date to be heard: 17 August 2004

Scott JA, Mthiyane JA, Conradie JA, Heher JA, Van Heerden AJA

Catchwords

Income tax – Income Tax Act 58 of 1962, s 15 – whether eight different categories of interest income were derived from "mining operations" within meaning of s 15 – whether appellant entitled to benefit promised by Commissioner in Practice Note 31

Appealed from SLC

L Cronje v The State (571/03)

Date to be heard: 17 August 2004

Nugent JA, Erasmus AJA, Ponnana AJA

Catchwords

National Road Traffic Regulations – regulation 232, interpretation of – overloading of bus – whether State entitled to determine weight of passenger bus by means of weighbridge or meter – determination of appellant's *mens rea*

Appealed from TPD

NDPP & Another v Rautenbach MD and 22 Others (146/2003)**Date to be heard:** 19 August 2004**Mpati DP, Navsa JA, Nugent JA, Erasmus AJA, Ponnann AJA****Catchwords**

Prevention of Organised Crime Act 121 of 1998, s 26 – requirements for grant of restraining order in terms of Act – whether grant of restraint order under circumstances of case will result in unjustifiable infringement of first respondent's constitutional right to property – whether reasonable grounds for making confiscation order against respondents - procedure – Uniform Rule of Court 49(11) – whether application for leave to appeal against discharge of provisional restraint order had effect of reviving restraint order in terms of rule

Appealed from WLD**TG Bosch and Others v Cutfin (Pty) Ltd (424/2003)****Date to be heard:** 19 August 2004**Harms JA, Mthiyane JA, Brand JA, Conradie JA, Jafta AJA****Catchwords**

Procedure – summary judgment – whether respondent's combined summons a nullity or irregular proceeding – whether respondent's affidavit in application for summary judgment complied with requirements of Rule 32(2) – whether appellant's affidavit resisting summary judgment disclosed *bona fide* defences – whether court *a quo* should have exercised discretion in favour of appellants on ground that court *a quo* not persuaded respondent had unanswerable case

Appealed from WLD**Yusuf Dada v The State (366/2003)****Date to be heard:** 19 August 2004**Cameron JA, Heher JA, Patel AJA****Catchwords**

Criminal Law – fraud – whether appellant's guilt proved beyond reasonable doubt

Appealed from BHC**Swire Pacific Offshore Services (Pty) Ltd v MV "Roxana Bank" and Others (369/2003)****Date to be heard:** 20 August 2004**Scott JA, Farlam JA, Nugent JA, Conradie JA, Cloete JA****Catchwords**

Admiralty – International Convention on Salvage 1989, article 12(1) – whether closed list of persons entitled to claim salvage rewards – whether salvage rewards limited only to master and crew of salvaging vessel or owner or demise charterer thereof – whether *prima facie* proof that appellant performed salvage operation

Appealed from CPD. [2003] 4 All SA 520 (C)**SA Forestry Company Limited v York Timbers Limited (656/02)****Date to be heard:** 20 August 2004**Streicher JA, Cameron JA, Brand JA, Jafta AJA, Patel AJA****Catchwords**

Contract – whether agreements lapsed because essential terms became impossible to implement – whether contract validly cancelled for breach – whether valid notice of termination given

Appealed from TPD

Minister for Provincial and Local Government of RSA v Unrecognised Traditional Leaders of Limpopo (375/2003)

Date to be heard: 23 August 2004

Mpati DP, Scott JA, Navsa JA, Heher JA, Jafta AJA

Catchwords

Promotion of Access to Information Act 2 of 2000, s 82 – whether appellant proved grounds of refusal of access to record in terms of ss 44(1)(a) and (b) of Act – whether court has powers to inspect record

Appealed from TPD

MA Fourie & Another v The Minister of Internal Affairs & Another (232/03)

Date to be heard: 23 August 2004

Farlam JA, Cameron JA, Mthiyane JA, Van Heerden AJA, Ponn AJA

Catchwords

Marriage – recognition of same-sex marriages – whether appellants' application one for declaratory order or for relief under – whether current common law definition of marriage violates applicants' fundamental rights – whether court *a quo* erred in not granting appellants an effective remedy in terms of s 38 of Constitution – whether court *a quo* erred in granting costs against appellants

Appealed from TPD

Angelo Hammond v The State (500/03)

Date to be heard: 23 August 2004

Brand JA, Cloete JA, Comrie AJA

Catchwords

Criminal Law – application of cautionary rules in respect of single witnesses and complainants in sexual cases – whether appellant's guilt proved beyond reasonable doubt

Appealed from CPD

Mutual and Federal Ltd v Rumdel Construction (Pty) Ltd (373/2003)

Date to be heard: 24 August 2004

Harms JA, Farlam JA, Conradie JA, Patel AJA, Ponn AJA

Catchwords:

Insurance – claim for indemnity under insurance contract – whether appellant obliged to indemnify respondent – exception to exclude loss occasioned by defective design in contract – whether damage preventable if proper drainage analysis had been performed and proper drainage designed

Appealed from WLD

Copalcor Manufacturing (Pty) Ltd and Another v GDC Hauliers (Pty) Ltd (355/2003)

Date to be heard: 24 August 2004

Streicher JA, Nugent JA, Cloete JA, Erasmus AJA, Comrie AJA

Catchwords

Contract – damages – agreement for transportation of goods from DRC to South Africa – whether respondent bore risk of loss of goods – whether oral cession to respondent of right to claim under agreement – whether oral cession by state-owned company formally valid under DRC law – whether proper law of contract South Africa law of DRC

Appealed from WLD. 2000(3) SA 181 (W)

Times Media Limited and Others v B Niselow and Another (195/2003)**Date to be heard:** 26 August 2004**Mpati DP, Streicher JA, Conradie JA, Erasmus AJA, Patel AJA****Catchwords**

Defamation – whether published by appellant defamatory of plaintiffs – whether special defences of justification, fair comment and reasonable publication established by appellant

Appealed from WLD**The Associated Institutions Pension Fund v Johan Van Zyl & 1699 Others (268/03)****Date to be heard:** 26 August 2004**Harms JA, Mthiyane JA, Brand JA, Cloete JA, Comrie AJA****Catchwords**

Pension Funds – interpretation – whether determination of amount of transferred pension interests correctly set aside – interpretation of definition of “funding percentage” in Regulations made under Associated Institutions Pension Fund Act 41 of 1963 – application of unreasonable delay rule in review applications – interpretation of s 4(d) of Constitution

Appealed from TPD**Koos Stevens v The State (417/03)****Date to be heard:** 26 August 2004**Navsa JA, Nugent JA, Ponnar AJA****Catchwords**

Criminal Law – conviction – whether findings of credibility and trustworthiness by court *a quo* correct

Appealed from CPD**NH Mahlangu v Minister of Land Affairs (572/03)****Date to be heard:** 27 August 2004**Mpati DP, Cameron JA, Mthiyane JA, Brand JA, Jafa AJA****Catchwords**

Land Rights – access to courts – whether court *a quo* correct in refusing appellant leave in terms of Restitution of Land Rights Act 22 of 1994, s 38B to institute action for restitution of rights in land

Appealed from LCC. [2001] 2 All SA 190 (LCC)**A Bezuidenhout v DG Bezuidenhout (364/ 2003)****Date to be heard:** 27 August 2004**Harms JA, Scott JA, Farlam JA, Heher JA, Van Heerden AJA****Catchwords**

Divorce – Divorce Act 70 of 1979, s 7(3) – redistribution of assets

Appealed from CPD. 2003 (6) SA 691 (C); [2003] 3 All SA 82 (C)**Laugh it off Promotions v SA Breweries International (242/03)****Date to be heard:** 30 August 2004**Harms JA, Streicher JA, Navsa JA, Mthiyane JA, Comrie AJA****Catchwords**

Trade marks – Trade Marks Act 194 of 1993, s 34(1)(c) – whether use by appellant of words “Black Labour White Guilt” infringed respondent’s registered trade mark

Appealed from CPD. [2003] 2 All SA 454

MCM Sellick v Minister of Safety and Security (343/03)

Date to be heard: 30 August 2004

Farlam JA, Brand JA, Jafta AJA , Patel AJA, Ponnann AJA

Catchwords

Negligence – loss of documents by SAPS which led to appellant’s inability to recover machine – whether appellant proved ownership of machine – whether appellant proved loss as result of negligence of SAPS – whether appellant established duty of care – whether respondent’s servants would have foreseen that loss of documentation would have resulted in a appellant’s inability to recover his goods

Appealed from NPD

JB Sithole v The State (031/2004)

Date to be heard: 30 August 2004

Cameron JA, Conradie JA , Van HeerdenAJA

Catchwords

Criminal Law – conviction and sentence – possession of dagga – 7 years imprisonment – whether appellant had intention to possess and deal in dagga – whether Act 105 of 1997 applicable – whether sentence shockingly inappropriate

Appealed from OPD

Esme van Zijl v IM Hoogenhout (348/03)

Date to be heard: 31 August 2004

Mpati DP, Cameron JA, Nugent JA, Heher JA, Van HeerdenAJA

Catchwords

Prescription – prescription of appellant’s claim for damages flowing from repeated sexual assaults over a nine year period from 1958, when appellant six years old until she was fifteen - interpretation of Prescription Act 18 of 1943 and Prescription Act 68 of 1969 in light of s 39(2) of Constitution

Appealed from CPD

Gouda Boerdery Bpk v Transnet(314/03)

Date to be heard: 31 August 2004

Scott JA, Navsa JA, Conradie JA, Cloete JA, Erasmus AJA

Catchwords

Negligence – National Veld and Forest Fire Act 101 of 1998, s 34 – whether duty of care on respondent to ensure that railway reserve adjacent to appellant’s land kept free of flammable material – whether fire a “veldfire” as described in Act – whether presumption of negligence in terms of s 34 of Act applicable – whether respondent negligent – whether presumption of negligence if applicable, rebutted – whether appellant’s damages fall to be reduced by operation of Apportionment of Damages Act 34 of 1956, s 1 should respondent be found liable

Appealed from CPD

S Lambani v The State (022/1995)

Date to be heard: 31 August 2004

Farlam JA, Mthiyane JA, Comrie AJA

Catchwords

Criminal Law – conviction – sentence – whether life imprisonment necessarily only appropriate sentence to be substituted for death

Appealed from TPD

Vhavenda Brickworks (Pty) Ltd v W Ferreira (319/2003)

Date to be heard: 2 September 2004

Mpati DP, Farlam JA, Cameron JA, Brand JA, Heher JA

Catchwords

Contract – whether appellant has claim against respondent as result of appellant's claim in convention – whether defective performance by appellant exempted respondent from paying in terms of contract – whether claim for damages available to respondent

Appealed from VHC

Natasha Kern v The Minister of Safety and Security (456/2003)

Date to be heard: 2 September 2004

Scott JA, Mthiyane JA, Erasmus AJA, Comrie AJA, Van Heerden AJA

Catchwords

Delict – vicarious liability – whether respondent vicariously liable for damages suffered by appellant resulting from assault and rape of appellant by three members of SAPS while on duty

Appealed from WLD

L Van Dyk v The State (042/04)

Date to be heard: 2 September 2004

Streicher JA, Jafta AJA, Patel AJA

Catchwords

Criminal law – sentence – Criminal Procedure Act 51 of 1977, s 276(1)(h) – illegal possession/transportation of abalone – whether a sentence of correctional supervision can be imposed on persons convicted of statutory offences where sentence prescribed in statute that of a fine and or imprisonment or both

Appealed from CPD

Mpakathi v Kghotso Development CC & Others (334/03)

Date to be heard: 3 September 2004

Harms JA, Streicher JA, Erasmus AJA, Jafta AJA, Ponnar AJA

Catchwords

Property law – application to set aside transfer of property sold in execution – whether the conditions of sale in respect of property sold in execution give rise to contract between execution creditor and purchaser – whether councillor who purchases property sold in execution of debt owed to local authority of which he is councillor breaches Gauteng Local Government Ordinance 17 of 1939, s 40 and / or Local Government Transition Act 209 of 1993, s 10H – whether sale null and void – whether transfer pursuant to sale null and void

Appealed from WLD. 2003 (3) SA 429 (W)

SJ Blieden v The City of Johannesburg and Others (377/03)**Date to be heard:** 3 September 2004**Scott JA, Navsa JA, Nugent JA, Cloete JA, Patel AJA****Catchwords**

Labour relations – Labour Relations Act 66 of 1995, s197 – whether appellant's employment terminated as result of restructuring or reorganisation of employer when employment transferred to new employer – interpretation of rules of relevant pension fund

Appealed from WLD**MA Kharafi Construction (Pty) Ltd v Makhosi Holdings (Pty) Ltd (094/2003)****Date to be heard:** 6 September 2004**Harms JA, Scott JA, Mthiyane JA, Jafa AJA , Van Heerden AJA****Catchwords**

Contract – interpretation – unjustified enrichment – whether notice of drawdown contractual prerequisite for any loan to be made to respondent and for any right to repayment – whether respondent in fact enriched and appellant impoverished in respect of payments made by appellant's holding company

Appealed from TPD**Metlika Trading Ltd and Others v CSARS and Others (427/2003)****Date to be heard:** 6 September 2004**Streicher JA, Cameron JA, Conradie JA, Patel AJA, Ponnana AJA****Catchwords**

Revenue – procedure – whether orders expressed to be interim appealable – effect of Constitution, 168(3) – whether mandatory and prohibitory interdicts can be granted against foreign *peregrinus* not located within territorial jurisdiction – whether interdicts incompetent as impermissible attempt to enforce a South African Revenue claim in a foreign state

Appealed from TPD**G Koopman v The State (502/2003)****Date to be heard:** 6 September 2004**Farlam JA, Heher JA, Erasmus AJA****Catchwords**

Criminal law – conviction and sentence – attempted murder – whether guilt of appellant proved beyond reasonable doubt – admissibility of hospital reports – whether correctional supervision would be more appropriate – whether sentence of 5 years imprisonment of which 2 years conditionally suspended for period of 5 years excessive

Appealed from ECD**Gauteng Gambling Board v SABS and Another (327/2003)****Date to be heard:** 7 September 2004**Mpati DP, Scott JA, Streicher JA, Nugent JA, Patel AJA****Catchwords**

Gambling – National Gambling Act 33 of 1996, s 13(1)(m) – Gauteng Gambling Act 4 of 1995 – whether competent for appellant to appoint own testing agent subject to South African Accreditation System accreditation to standardise, test, analyse, calibrate and certify gambling machines or gambling devices destined for use in

province – whether only first respondent only entitled to test and certify gambling machines or devices in Republic of South Africa

Appealed from TPD

FF Holtzhausen v ABSA Bank Limited (280/03)

Date to be heard: 7 September 2004

Harms JA, Navsa JA, Brand JA, Cloete JA, Heher JA

Catchwords

Commercial law – banking – whether delictual action precluded for compensation for pure economic loss where misstatement made in course or as part of performance of contractual obligations – whether legal duty rested on respondent outside ambit of contract not to make any misstatements negligently

Appealed from OPD

Land and Agricultural Development Bank of South Africa v Parker & Others (186/2003)

Date to be heard: 9 September 2004

Mpati DP, Cameron JA, Brand JA, Erasmus AJA, Jafta AJA

Catchwords

Locus standi – trust – sequestration – whether further evidence should be introduced in respect of respondents' lack of *locus standi* – whether Tristan Parker should be substituted for first respondent – whether transactions upon which cause of action based against Trust authorised

Appealed from TPD

Geldenhuis v East & West Investments (Pty) Ltd (359/03)

Date to be heard: 9 September 2004

Harms JA, Navsa JA, Nugent JA, Conradie JA, Comrie AJA

Catchwords

Lease – whether co-principle debtor liable where principal debt already settled by principal debtor – whether court *a quo* correct in granting cost order on attorney and client basis for postponement

Appealed from TPD

The State v Mvamvu (350/2003)

Date to be heard: 9 September 2004

Mthiyane JA, Cloete JA, Van Heerden AJA

Catchwords

Criminal law – sentence – two counts of rape, robbery and assault – whether prescribed minimum sentence should have been imposed

Appealed from CPD

GMJ Pieterse v Shrosbree & Others (196/2003)

Date to be heard: 10 September 2004

Mpati DP, Streicher JA, Farlam JA, Heher JA, Ponnann AJA

Catchwords

Insurance – interpretation – Long Term Insurance Act 52 of 1998, s 63 – whether appellant excluded from persons covered by s 63(1) – whether appellant had right to claim independently of deceased estate by virtue of nomination as beneficiary

under insurance policies – whether proceeds of policies would vest in appellant's trustee

Appealed from SECLD. 2004 (1) SA 226 (SE)

1. Tim de Maayer v Terry Anne Serebro and Another (307/03)

2. Terry Anne Serebro v RAF & Another (322/03)

Date to be heard: 10 September 2004

Scott JA, Nugent JA, Cloete JA, Comrie AJA, Patel AJA

Catchwords

Delict – road accident fund - third party compensation – proof of causally related negligence

Appealed from WLD

Standard Bank of SA Limited v PWS Peens & Another (136/2003)

Date to be heard: 13 September 2004

Harms JA, Cameron JA, Conradie JA, Heher JA, Comrie AJA

Catchwords

Banking – cheques, payment of – clearing house rules – effect of late notice of dishonour

Appealed from TPD

MW Bookmaker v CSARS (401/2003)

Date to be heard: 13 September 2004

Scott JA, Farlam JA, Mthiyane JA, Cloete JA, Erasmus AJA

Catchwords

Value-added tax – Value-Added Tax Act 89 of 1991 – whether appellant entitled to be refunded excess amount of input tax over output tax claimed – whether refund claimed claimable under ss 16(3), 16(5), 44(1) and 44(2)(b) or under s 44(3)(a) of Act – whether appellant paid tax in accordance with practice generally prevailing as contemplated in *proviso* to s 44(3)(a)

Appealed from SC

Jones NO and Others v ABSA Bank Limited (305/2003)

Date to be heard: 14 September 2004

Mpati DP, Nugent JA, Jafta AJA, Patel AJA, Ponnann AJA

Catchwords

Civil procedure – admissibility and probative value of admissions contained in affidavits delivered in previous proceedings – status of certificate of balance issued and produced in terms of agreement – admissibility and probative value of evidence of witness identifying signatures on certificates of balance to prove authenticity thereof

Appealed from TPD

The Health Professions Council of South Africa v De Bruin (237/2003)

Date to be heard: 14 September 2004

Streicher JA, Cameron JA, Navsa JA, Brand JA, Van Heerden AJA

Catchwords

Medical law – whether removal of respondent's name from register of medical practitioners suitable penalty for disgraceful conduct of which he was found guilty

Appealed from TPD

Ero Marketing Holdings Bpk and Another v Middleton (339/2003)

Date to be heard: 16 September 2004

Mpati DP, Farlam JA, Navsa JA, Conradie JA, Heher JA

Catchwords

Contract – tender – interpretation – whether document entitled “Principles of Co-Operation” written agreement concluded between parties – whether *bona fide* dispute of facts between parties

Appealed from TPD

Pellow NO and Another v Club Refrigeration CC (469/03)

Date to be heard: 16 September 2004

Scott JA, Mthiyane JA, Cloete JA, Erasmus AJA, Jafta AJA

Catchwords

Insolvency - whether ownership in certain movable assets delivered to company subsequently liquidated reserved

Appealed from TPD

The Wasserman Asset Trust and Another v The Premier, Free State Provincial Government (384/2003)

Date to be heard: 17 September 2004

Navsa JA, Brand JA, Erasmus AJA, Comrie AJA, Van Heerden AJA

Catchwords

Expropriation – Orange Free State Road Ordinance 4 of 1968, s 17 – whether ordinance allows lawful expropriation of land to be held for future development of road

Appealed from OPD

Nissan South Africa (Pty) Ltd v Marnitz & Others (027/2004)

Date to be heard: 17 September 2004

Streicher JA, Nugent JA, Conradie JA, Patel AJA, Ponnana AJA

Catchwords

Enrichment – whether certain funds formed part of an insolvent estate – whether insolvent ever became entitled to claim payment of funds from its banker – whether banker obliged to repay amount to appellant

Appealed from WLD

4. JUDGMENTS MARKED NOT REPORTABLE

(Available from library)

Gert Wilhelm Calitz v The State (345/2002)

- delivered 25 February 2003

Ndivhuwo Gunyule v The State (332/2002)

- delivered 14 March 2003

Daphne Queenie Horne v Larry Berger (37/2002)

- delivered 14 March 2003

- Padongelukkefonds v JF du Plooy (93/2002)
- delivered 20 March 2003
- Rand Water Board v Mervyn Phillip Milner (538/2001)
- delivered 28 March 2003
- Ndivhulo Ronald Tshikopo v The State (244/2002)
- delivered 5 May 2003
- Myendra Naidoo v The State (504/2002)
- delivered 13 May 2003
- Eddie Makhubela v The State (398/2002)
- delivered 13 May 2003
- Soprania Aloma van Heerden & Another v The State (274/2002)
- delivered 19 May 2003
- Reginald Mbhense & Another v The State (595/2002)
- delivered 30 May 2003
- Mfana Aaron Gumede v The State (494/2002)
- delivered 30 May 2003
- The Minister of Trade and Industry v Intershore (247/02)
- delivered 5 September 2003
- Doris Goodenough NO v Road Accident Fund (441/02)
- delivered 15 September 2003
- Mcasa and Another v The State (638/02)
- delivered 15 September 2003
- S Naidoo & Others v The State (321/01)
- delivered on 15 September 2003
- The Trustees for the time being of the SAS Trust v New Adventure Investment 193 (Pty) Ltd (287/02)
- delivered 19 September 2003
- Minister of Defence & Others v RD Winson (68/2003)
- delivered 19 September 2003
- M M Mokhehi and Another v Road Accident Fund (521/2002)
- delivered 22 September 2003
- R G van der Berg v The State (28/03)
- delivered on 23 September 2003
- T Sibeko and Another v The State (618/02)
- 30 September 2003
- Elwierda (Gauteng) Pty Ltd v CLF Martin (579/02)
- delivered 13 November 2003
- FS Ngidi v The State (88/03)
- delivered 26 November 2003

JM Carstens & Another v The State (5/03)
- delivered 27 November 2003

B P Insurance Brokers (Pty) Ltd v Paul H V Schultz (438/02)
- delivered 28 November 2003

AC Jonker and Another v The State (549/03)
- delivered 11 March 2004

Islamic Bank Ltd (in liquidation) v Sattar Discount Crockery (610/02)
- delivered 11 March 2004

J Coetzee v E Fourie and Another (61/03)
- delivered 23 March 2004

J Richards v The State (163/03)
- delivered 25 March 2004

Andersen's Seeds & Another v VC Dalbock (338/02)
- delivered 31 March 2004

S Padayachee v The State (341/ 03)
- delivered 20 May 2004

M Dweba v The State (309/03)
- delivered 21 May 2004

Fourie v Re -Marius Hamel (199/03)
- delivered 27 May 2004

Oupa Hlophe v The State (283/02)
- delivered 28 May 2004

AS Murray v The Cape Joint Pension Fund and Another (241/03)
- delivered 28 May 2004

Vilmor Boerdery BK v Oos-Vrystaat Kaap Koöperasie BPK (492/03)
- delivered 1 June 2004

AM Hancock v The State (333/03)
- delivered 2 June 2004

5. CASES DISMISSED WITHOUT WRITTEN REASONS

Cornelius Janse van Rensburg and Another v The State (205/2002)
- 17 March 2003

Benough Chad Berry v The State (219/2002)
- 17 March 2003

The Minister of Defence and Others v R D Winson (68/03)
- 19 August 2003

C N Fourie and Others v Cryopreservation Technologies BK (376/02)
- 19 August 2003

M S Mackay v The Legal Aid Board (189/02)
- 1 September 2003

The Minister of Justice v Walter De Bruyn (535/02)
- 4 September 2003

S Naidoo & Others v The State (321/01)
- 15 September 2003

C E Engles-Clews v L A Youds (380/02)
- 18 September 2003

MH Ezra v The State (251/03)
- 18 November 2003

Dischem Pharmacies (Pty) Ltd t/a Mondeor Pharmacy v United Pharmaceutical
Distributors (Pty) Ltd t/a UPD Lea Glen (99/03)
- 9 March 2004

Textile Industry Provident Fund v First National Bank of SA (632/02)
- 15 March 2004

MJ Mosomane and Others v Semang Housing Corporation (Pty) Ltd (122/03)
- 10 May 2004