

REPUBLIC OF SOUTH AFRICA  
SUPREME COURT OF APPEAL  
BULLETIN 2005  
NO 3

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**1. BULLETINS**

Number 1, 2004 – As at 2 December 2003  
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**2. JUDGMENTS RESERVED**

**Dr HD Louwrens v James Peter Oldwage (181/04)**

Date heard: 5 May 2005

Mpati DP, Streicher JA, Mthiyane JA, Lewis JA, Ponnann JA

**Catchwords**

Delict – Medical law – negligence – whether requirement of informed consent complied with

Appealed from CPD. [2004] 1 All SA 532 (C); [2004] JOL 12512 (C)

**J Marx v The State (397/2004)**

Date heard: 9 May 2005

Streicher JA, Cameron JA, Nugent JA

**Catchwords**

Criminal law – rape and indecent assault – whether sentence shockingly inappropriate – whether guilt of appellant established beyond reasonable doubt – whether sentences of 10 years (for the rape) and 2 years (for the indecent assault) excessive

Appealed from CPD

**S Prophet v NDPP (502/04)**

Date heard: 19 May 2005

Mpati DP, Streicher JA, Mthiyane JA, Cloete JA, Ponnann JA

**Catchwords**

Prevention of Organised Crime – Prevention of Organised Crime Act 121 of 1998, s 50(1)(a), interpretation of – whether property can be regarded as an “instrumentality” in terms of Act – Whether sufficiently close link between property and its criminal use –

whether property has a close enough relationship to actual commission of offence to render it an instrumentality – constitutional interpretation of chapter 6 of the Act  
**Appealed from CPD. 2003 (2) SACR 287 (C); [2003] JOL 11160 (C)**

**Director of Public Prosecutions v EC Olivier (042/05)**

**Date heard:** 20 May 2005

**Navsa JA, Conradie JA, Mlambo JA**

**Catchwords**

Criminal law – sentence – theft of trust money by estate agent – whether six years imprisonment wholly suspended plus fine and order of repayment shockingly inappropriate

**Appealed from TPD**

**Minister of Education (Western Cape) v Mikro Primary School Governing Body**

**Date heard:** 23 May 2005

**Streicher JA, Cameron JA, Brand JA, Lewis JA, Mlambo JA**

**Catchwords**

Education – Primary school – Afrikaans medium school – whether school can be directed to give English medium instruction

**Appealed from CPD**

**3. CASES ENROLLED FOR HEARING**

**V & A Waterfront Properties (Pty) Ltd and Another v Helicopter & Marine Services (Pty) Ltd and 2 Others (392/2004)**

**Date to be heard:** 15 August 2005

**Howie P, Zulman JA, Navsa JA, Combrinck AJA, Cachalia AJA**

**Catchwords**

Interdict – whether appellants entitled to interdict restraining respondents from operating helicopter from Waterfront pending grounding order issued by S. A. Civil Aviation Authority – whether relief sought interim or final – whether 1<sup>st</sup> appellant entitled to interdict once it established continuing breach of its contractual rights by respondents – whether 1<sup>st</sup> appellant required to establish likelihood of helicopter being involved in accident

**Appealed from CPD. [2004] 2 All SA 664 (C); [2004] JOL 12674 (C)**

**AM Moolla Group Limited and 6 Others v The Gap Inc and 2 Others (123/2004)**

**Date to be heard:** 15 & 16 August 2005

**Harms JA, Streicher JA, Brand JA, Lewis JA, Ponnann JA**

**Catchwords**

Trade marks – Trade Marks Act 194 of 1993, s 35 – whether respondents have established that Gap trade mark well known in RSA – s 36(2), interpretation of – whether *bona fide* and continuous use of 3<sup>rd</sup> appellant's Gap trade marks established – whether s 38 of new act, considered with repeal of s 48(4) of old act, has done away with requirement of quality control in case of unregistered licensing of registered trade mark.

Cross appeal – whether 3<sup>rd</sup> appellant's trade marks contravened s 10(3) Act, insofar as 3<sup>rd</sup> appellant may have no *bona fide* claim to proprietorship of Gap trade marks –

whether trade marks contravene s 16(1) of old act because use thereof by unregistered licensee likely to give rise to deception or confusion – whether s 42 of old act only applies to original entry of trade mark on Register – whether 3<sup>rd</sup> appellant's trade marks should have been expunged from Register in terms of ss 9(1) and 10(12) of new act

**Appealed from TPD. [2003] JOL 11904 (T)**

**Pieter Hendrik Groenewald v The State (055/2005)**

**Date to be heard:** 16 August 2005

**Mpati DP, Scott JA, Cameron JA, Van Heerden JA, Mlambo JA**

**Catchwords**

Criminal law – conviction and sentence – appellant found guilty on 2 counts of murder, 1 of attempted murder – sentenced to 20 years imprisonment – whether respondent bound by admissions made by counsel during trial – whether State proved case beyond reasonable doubt with regard to contradictory evidence given by their witnesses – whether appellant exceeded limits of self-defence – whether sentence shockingly inappropriate

**Appealed from TPD**

**JM Sindane v The State (388/2004)**

**Date to be heard:** 17 August 2005

**Mthiyane JA, Jafta JA, Ponnar JA**

**Catchwords**

Criminal law – sentence – 3 counts of fraud – 4 years imprisonment on each count – whether sentence shockingly inappropriate – whether appellant played leading role in crimes – whether too much weight placed on appellant's previous convictions

**Appealed from TPD**

**JJ Kemp and 3 Others v Dr JJH van Wyk NO and Others (335/2004)**

**Date to be heard:** 18 August 2005

**Howie P, Scott JA, Mthiyane JA, Nugent JA, Mlambo JA**

**Catchwords**

Administrative action – application to review refusal of import permit to import sable antelope from Zimbabwe on ground that Zimbabwe regarded as totally infected foot and mouth disease country – whether application should have been dismissed by virtue of PAJA, s 7(2)(a)

**Appealed from TPD. [2004] 2 All SA 286 (T); [2004] JOL 12621 (T)**

**Timothy Nelson v The State (017/2005)**

**Date to be heard:** 18 August 2005

**Zulman JA, Van Heerden JA, Combrinck AJA, Nkabinde AJ, Cachalia AJA**

**Catchwords**

Criminal law – conviction and sentence – attempted murder – 5 years imprisonment – self-defence – whether State case proved beyond reasonable doubt – whether sentence of direct imprisonment appropriate

**Appealed from CPD**

1. **PJL Fourie v The State (364/04)**
2. **Memory Mushando Magida v The State (515/04)**

**Date to be heard:** 18 August 2005

**Navsa JA, Jafta JA, Maya AJA**

**Catchwords**

1. Criminal law – whether court *a quo* erred in granting amendment of charge sheet where amendment amounted to substitution of charge with another charge
2. Criminal law – sentence – 99 counts of fraud – sentence to 60 days imprisonment of which 40 days suspended for 5 years, on each count – total cumulative sentence 16 years 3 months imprisonment – immediate direct term 5 years 5 months and 2 days – whether appeal can be decided without magistrate’s reasons for sentence – whether appellant’s AIDS status mitigating factor – whether sentences imposed shockingly inappropriate

**Appealed from ECD & CPD**

**Parsons Transport (Pty) Ltd v Global Insurance Company Ltd (345/2004)**

**Date to be heard:** 19 August 2005

**Mpati DP, Mthiyane JA, Nkabine AJA, Maya AJA, Cachalia AJA**

**Catchwords**

Insurance contract – interpretation – appeal against dismissal of exception – whether contract enforceable before premium paid

**Appealed from WLD**

**United National Public Servants Association of South Africa v SJ Digomo NO and 41 Others (441/04)**

**Date to be heard:** 19 August 2005

**Scott JA, Cameron JA, Nugent JA, Jafta JA, Mlambo JA**

**Catchwords**

Employment law – jurisdiction – Labour Relations Act, s 186(2) – appointment or promotion of 84 respondents set aside by White Commission – posts and vacancies filled on basis of seniority only – whether 1<sup>st</sup> and 3<sup>rd</sup> respondents’ actions contrary to provisions of s 33 of Constitution – whether Labour Court has exclusive jurisdiction in matter

**Appealed from TPD**

**Liberty Investors Limited [In members’ voluntary liquidation] v CSARS (353/2004)**

**Date to be heard:** 22 August 2005

**Howie P, Streicher JA, Brand JA, Lewis JA, Ponnar JA**

**Catchwords**

Income tax – Income Tax Act 58 of 1962, s 64B(5)(c), interpretation of

**Appealed from TTC**

**Telematrix (Pty) Ltd t/a Matrix Vehicle Tracking v Advertising Standards Authority of South Africa (459/2004)**

**Date to be heard:** 22 August 2005

**Harms JA, Cameron JA, Van Heerden JA, Mlambo JA, Cachalia AJA**

**Catchwords**

Delict – whether regulatory authority liable for damages arising from negligent decisions – damages allegedly suffered as result of appellant’s withdrawal of advertising campaign in compliance with ruling of respondent’s directorate, which ruling appellant alleges was negligently made, and which was subsequently

overturned as result of internal appeal to respondent's Advertising Industry Tribunal – whether ruling wrongful  
**Appealed from WLD. 2005 (2) SA 264 (W); [2005] 2 All SA 97 (W); [2004] JOL 13044 (W)**

**HA Wormald and 2 Others v Lungiswa Snowy Kambule (524/2004)**

**Date to be heard:** 23 August 2005

**Mpati DP, Zulman JA, Nugent JA, Combrinck AJA, Maya AJA**

**Catchwords**

Indigenous law – whether customary union relied on by respondent to resist eviction order null and void

**Appealed from ECD. [2004] 3 All SA 392 (E); [2004] JOL 12825 (E)**

**CT Buttner v CA Buttner and Another (382/2004)**

**Date to be heard:** 23 August 2005

**Scott JA, Lewis JA, Van Heerden JA, Jafta JA, Nkabinde AJA**

**Catchwords**

Matrimonial law – redistribution of assets and maintenance – whether respondent entitled to half proceeds of sale of residential property owned jointly by parties in Australia – whether court erred in dismissing appellant's claim for redistribution by failing to consider what was just and equitable having regard to circumstances in which relevant assets had been acquired – whether court erred in awarding token maintenance to respondent – costs

**Appealed from CPD**

**MEC for Agriculture, Conservation Environment and Land Affairs, Gauteng v Sasol Oil and Another (368/2004)**

**Date to be heard:** 25 August 2005

**Howie P, Cameron JA, Jafta JA, Nkabinde AJA, Cachalia AJA**

**Catchwords**

Administrative law – whether appellant had power to authorize or refuse to authorize erection or construction of filling station – whether guidelines issued by appellant's administrative action and susceptible to review under PAJA – whether review application to be dismissed solely brought out of time

**Appealed from WLD**

**Mzamba Taxi Owners' Association and Another v Bizana Taxi Association and Others (358/2004)**

**Date to be heard:** 25 August 2005

**Harms JA, Navsa JA, Mithiyane JA, Ponnann JA, Maya AJA**

**Catchwords**

Administrative law – fair administrative action – PAJA 3 of 2000, s 1 – Kwazulu-Natal Interim Minibus Taxi Act – 1<sup>st</sup> applicant contends was not given notice of agreement reached by 1<sup>st</sup> and 2<sup>nd</sup> respondents relating to use of Port Edward taxi rank which 1<sup>st</sup> applicant shared with 2<sup>nd</sup> respondent – 1<sup>st</sup> applicant not involved in agreement and not afforded hearing on whether agreement should be endorsed – whether applicants had to prove that request/decision one which adversely affects their rights and has direct external legal effect – whether applicants succeeded in discharging such onus

**Appealed from NPD. [2005] JOL 14252 (N)**

**Norman Erasmus v The State (618/2004)****Date to be heard:** 25 August 2005**Scott JA, Brand JA, Combrinck AJA****Catchwords**

Criminal law – assault with intent to do grievous bodily harm – whether State proved intention to cause grievous bodily harm

**Appealed from ECD****Micro Finance Regulatory Council v AAA Investments (Pty) Ltd and Another (346/2004)****Date to be heard:** 26 August 2005**Mpati DP, Streicher JA, Navsa JA, Nugent JA, Combrinck AJA****Catchwords**Administrative law – whether appellant's initial and existing rules invalid – whether rules binding on 1<sup>st</sup> respondent and micro lenders registered with appellants – Usury Act 73 of 1968, s 15(a), read with definition of "*regulatory institution*", interpretation of – whether appellant authorized to make rules – whether application to review rules should be dismissed on ground of unreasonable delay**Appealed from TPD. 2004(6) SA 557 (T); [2005] JOL 14355 (T)****Sithembiso Xolani Kimberley and Another v The State (519/2004)****Date to be heard:** 29 August 2005**Zulman JA, Mthiyane JA, Brand JA, Mlambo JA, Maya AJA****Catchwords**

Criminal law – sentence – rape – life imprisonment – Act 105 of 1997, s 51(1)(a), read with Schedule 2, part 1, interpretation of, in respect of multiple rapes – appellants only charged on one count of rape – whether life imprisonment imposed

**Appealed from ECD. 2004 (2) SACR 38 (E)****City of Cape Town (CMC Administration) v WD Bourbon-Leftley NO and Another (415/2004)****Date to be heard:** 29 August 2005**Howie P, Navsa JA, Brand JA, Van Heerden JA, Cachalia AJA****Catchwords**

Property law – servitude – whether tacit term to be implied in servitude entitling appellant to claim payment for water used by respondents in excess of their entitlement – whether timeous notice of claim for payment prerequisite for liability – whether appellant estopped from contending respondents liable to pay for excess water used

**Appealed from CPD****Neville William Mackay v EM Fey NO and Another (463/2004)****Date to be heard:** 29 August 2005**Harms JA, Scott JA, Zulman JA, Cameron JA, Jafta JA****Catchwords**

Insolvency – Insolvency Act 24 of 1936, s 23(2) – whether trustees entitled to recover rental payments paid under lease concluded by insolvent

**Appealed from CPD. [2004] 4 All SA 50 (C)**

**General Food Industries Limited t/a Blue Ribbon Bakeries v Food & Allied Workers Union and Another (433/2004)**

**Date to be heard:** 30 August 2005

**Mpati DP, Cameron JA, Nugent JA, Mlambo JA, Nkabinde AJA**

**Catchwords**

Employment law – whether appellant fairly retrenched respondents – whether selection criteria applied fair and objective

**Appealed from LAC. [2004] JOL 12822 (LAC)**

**John Malcolm Griffin and 2 Others v Master of High Court and 3 Others (446/2004)**

**Date to be heard:** 30 August 2005

**Zulman JA, Streicher JA, Navsa JA, Ponnann JA, Combrinck**

**Catchwords**

Company law – Companies Act 61 of 1973, s 407(4)(a) – whether liquidator authorized to admit claims in terms of Companies Act, s 386(4)(c), read with Close Corporations Act, s 66(1) – whether Insolvency Act, s 78(3) applicable

**Appealed from CPD**

**ABN-Amro Bank NV v Hyundai Corporation (375/2004)**

**Date to be heard:** 1 September 2005

**Howie P, Mthiyane JA, Lewis JA, Van Heerden JA, Maya AJA**

**Catchwords**

Interpretation – “letter of undertaking” and “letter of clarification” – whether clause in letter of clarification should be construed as creating payment obligation for appellant by establishing indemnity or guarantee in favour of respondent in respect of risk of attachment of vehicles or parts by Botswana Government

**Appealed from WLD**

**SA Breweries v Pieter van Zyl (381/2004)**

**Date to be heard:** 1 September 2005

**Mpati DP, Brand JA, Jafta JA, Mlambo JA, Cachalia AJA**

**Catchwords**

Suretyship – whether appellant entitled to rely on suretyship undertaking given by respondent in respect of predecessor company

**Appealed from TPD**

**M Makhathini v The State (598/2004)**

**Date to be heard:** 1 September 2005

**Streicher JA, Ponnann JA, Nkabinde AJA**

**Catchwords**

Criminal law – conviction – 3 counts of rape – whether evidence of 2 witnesses corroborated complainant in material respects – whether complainant’s evidence fabrication or improbable

**Appealed from NPD**

**Pinkster Protestante Kerk and Another v Herlewingsentrum and Another (273/2004)**

**Date to be heard:** 2 September 2005

**Harms JA, Streicher JA, Nugent JA, Van Heerden JA, Combrinck AJA**

**Catchwords**

Church law – whether 1<sup>st</sup> respondent independent legal person and not “*Springs Gemeente van die Pinkster Protestantse Kerk*”

**Appealed from WLD**

**Chairperson: Standing Tender Committee v JFE Sapela Electronics (Pty) Ltd (511/2004)**

**Date to be heard:** 2 September 2005

**Scott JA, Cameron JA, Mthiyane JA, Lewis JA, Maya AJA**

**Catchwords**

Administrative law – tender process – requirements for lawful tender process in terms of Preferential Procurement Policy Framework Act 5 of 2000 and Regulations – requirements for “acceptable tender”

**Appealed from CPD**

**Maize Board v John Jackson (396/2004)**

**Date to be heard:** 5 September 2005

**Howie P, Streicher JA, Van Heerden JA, Ponnann JA, Nkabinde AJA**

**Catchwords**

Contract – whether agreements between respondent and 3<sup>rd</sup> party simulated to hide sale of maize – whether agreements, even if not simulated, achieved avoidance of levies otherwise payable to appellant

**Appealed from NPD**

**Daniel Johannes Coetzee v Rupert Day (468/2004)**

**Date to be heard:** 5 September 2005

**Harms JA, Navsa JA, Lewis JA, Jafta JA, Maya AJA**

**Catchwords**

Prescription – amendment of summons and particulars of claim – whether new cause of action substantially same as original – whether service of summons interrupted prescription in respect of new claim

**Appealed from CPD**

**Hitler Adolf Klokow v Michael Boyton Sullivan (410/2004)**

**Date to be heard:** 6 September 2005

**Mpati DP, Cameron JA, Band JA, Nkabinde AJA, Cachalia AJA**

**Catchwords**

Liquor – Liquor Act, s 159(b) – sale of business to which liquor licence pertains without consent of Chairman of Liquor Board – whether buyer *in pari delicto* with seller

**Appealed from TPD**

**Navy Two CC v Industrial Zone Ltd (293/2004)**

**Date to be heard:** 6 September 2005

**Scott JA, Mthiyane JA, Ponnann JA, Mlambo JA, Maya AJA**

**Catchwords**

Procedure – refusal of postponement to deliver answering affidavit – issue of declarator without hearing appellant on merits – whether sole member of appellant close corporation should have been permitted to represent it – whether appellant should have been granted postponement to deliver answering affidavit

**Appealed from WLD**

**MEC for Education & Culture, Free State v M Louw & Another (483/2004)****Date to be heard:** 8 September 2005**Scott JA, Streicher JA, Navsa JA, Mthiyane JA, Van Heerden JA****Catchwords**

Delict – vicarious liability – South African Schools Act 84 of 1996, s 20(10) – near drowning of pupil – whether State vicariously liable for wrongful act of teacher appointed and paid by controlling body – whether s 60(1) excludes State liability

**Appealed from OPD. [2004] JOL 12856 (O)****Elaine Claire Lawrence v The State (357/2004)****Date to be heard:** 8 September 2005**Cameron JA, Lewis JA, Jafta JA****Catchwords**

Criminal law – sentence – theft of R 80 959, 99 over period of 4 years – 4 years imprisonment, 18 months imprisonment conditionally suspended for 4 years – unsuspended portion made subject to provisions of Act 51 of 1977, s 276(1)(i) as amended – whether seriousness of offence and need for deterrence over-emphasized and mitigating features under-emphasized – whether sentence of correctional supervision should have been imposed

**Appealed from ECD****RWM Gumede and Others v Arnold Subel NO and Others (429/2004)****Date to be heard:** 9 September 2005**Mpati DP, Scott JA, Brand JA, Lewis JA, Cachalia AJA****Catchwords**

Company law – Companies Act, s 417(1) and (3), s 418(5)(b)(iii)(bb), interpretation of – powers of court to review ruling of commissioner in s 14 of Constitution exercising enquiry

**Appealed from WLD****National Director of Public Prosecutions v OH Nel and Others (424/2004)****Date to be heard:** 9 September 2005**Harms JA, Navsa JA, Nugent JA, Ponnann JA, Combrinck AJA****Catchwords**

Criminal law – Prevention of Organised Crime Act 121 of 1998, s 26(6), interpretation of – whether permissible to register mortgage bond over restrained property as security for legal fees

**Appealed from NPD****Ethekwini Municipality v Verulam Medicentre (457/2004)****Date to be heard:** 12 September 2005**Howie P, Zulman JA, Brand JA, Lewis JA, Maya AJA****Catchwords**

Debtor and creditor – interest – *in duplum* rule – whether claim for payment of capital sum and interest correctly classified as composite claim – whether *in duplum* rule did not apply to interest because of nature of obligation and identities of parties

**Appealed from DCLD. 2005 (2) SA 451 (D)**

**Mary Patricia King and Others v Attorneys Fidelity Fund Board of Control and Another (561/2004)**

**Date to be heard:** 12 September 2005

**Harms JA, Cameron JA, Mthiyane JA, Nugent JA, Jafta JA**

**Catchwords**

Constitutional law – Attorneys Act 53 of 1979, ss 47(1)(g), (4), (5) and 47A, constitutionality of

**Appealed from ECD. [2004] JOL 12966 (E)**

**Shoprite Checkers Ltd v LJJ Grobbelaar and Others (460/2004)**

**Date to be heard:** 13 September 2005

**Howie P, Zulman JA, Nugent JA, Mlambo JA, Combrinck AJA**

**Catchwords**

Contract – breach – restraint of trade – whether absolution correctly granted at close of plaintiff's case – application on appeal to re-open for further evidence

**Appealed from CPD**

**Archibald Barry Nichol and Another v Registrar of Pension Funds and Others (467/2004)**

**Date to be heard:** 13 September 2005

**Mpati DP, Navsa JA, Van Heerden JA, Mlambo JA, Maya AJA, Cachalia AJA**

**Catchwords**

Pensions – Financial Services Board Act 97 of 1990, s 26, read with PAJA 3 of 2000, interpretation of

**Appealed from TPD**

**NDPP v ME Parker (624/04)**

**Date to be heard:** 15 September 2005

**Howie P, Cameron JA, Mlambo JA, Combrinck AJA, Nkabinde AJA**

**Catchwords**

Criminal law – prevention of Organised Crime Act 121 of 1998, s 48(1) – whether property instrumental in dealing in illegal drugs where dealing occurred on it on regular basis – definition of “instrumentality of an offence” with regard to property, interpretation of

**Appealed from CPD**

**David Leibowitz t/a Lee Finance v AT Mhlana and Others (422/2004)**

**Date to be heard:** 15 September 2005

**Mpati DP, Streicher JA, Lewis JA, Van Heerden JA, Jafta JA**

**Catchwords**

Jurisdiction – Supreme Court Act 59 of 1959, s 19(1)(a) – whether 9<sup>th</sup> to 11<sup>th</sup> respondents “resided” within area of jurisdiction of court *a quo* – whether court *a quo* erred in having regard to separate applications brought by other applicants and concluding that appellant already within court's jurisdiction – whether court had jurisdiction over appellant in terms of s 19(1)(b), by virtue of his joinder to proceedings

**Appealed from TkC**

**PAH van Zyl v MMM Fourie (261/2003)**

**Date to be heard:** 16 September 2005

**Mpati DP, Zulman JA, Nugent JA, Ponnann JA, Mlambo JA**

**Catchwords**

Animals – damages – *actio de pauperie*

**Appealed from OPD**

**Andries Frederick Dreyer NO and Another v AXZS Industries (Pty) Ltd (250/2004)**

**Date to be heard:** 16 September 2005

**Harms JA, Mthiyane JA, Brand JA, Jafta JA, Nkabinde AJA**

**Catchwords**

Evidence – parole evidence – rectification – ownership, passing of – whether court correct in finding that parole evidence relating to alleged oral agreement admissible – if admissible: whether plaintiff proved oral agreement – whether plaintiff demonstrated agreements fell to be rectified – whether ownership in goods passed to plaintiff

**Appealed from WLD. 2004 (4) SA 186 (W)**

#### **4. JUDGMENTS MARKED NOT REPORTABLE**

(Available from library)

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

Yusuf Dada v The State (366/2003)  
- delivered 2 September 2004

MA Kharafi Construction (Pty) Ltd v Makhosi Holdings (Pty) Ltd (094/2003)  
- delivered 23 September 2004

Elro Marketing Holdings Bpk and Another v Middleton (339/2003)  
- 29 September 2004  
Vhavenda Brickworks (Pty) Ltd v W Ferreira (319/2003)  
- delivered 29 September 2004

SB de Beer v The State (121/2004)  
- delivered 12 November 2004

Truck and General Insurance Company (Pty) Ltd v Simrak Trucking (546/2003)  
- delivered 19 November 2004

Ismail Bhamjee v Total South Africa (Pty) Ltd (360/2004)  
- delivered 25 November 2004

Commissioner for the South African Revenue Services v Nashua Ltd (597/2003)  
- 30 November 2004

DM De Lange v State (563/2003)  
- delivered 1 December 2004

The Attorneys Fidelity Fund Board of Control v E Burns NO of Dynamic Services  
Investment Trust (510/2003)  
- delivered 2 December 2004

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 Sehooole 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

**5. CASES DISMISSED WITHOUT WRITTEN REASONS**

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

TG Bosch and Others v Cutfin (Pty) Ltd (424/2003)  
- 19 August 2004

MCM Sellick v Minister of Safety and Security (343/03)  
- 30 August 2004

Catgraphics CC v Africon Engineering International (Pty) Ltd (600/2003)  
- 3 November 2004

JC Batista Gouveia v Certain Underwriters at Lloyds of London (454/2003)  
- 15 November 2004

Satish Buldeo v Ranjith Choonilall NO and Another (072/2004)  
- 17 March 2005