

**REPUBLIC OF SOUTH AFRICA
SUPREME COURT OF APPEAL
BULLETIN 2004
NO 4**

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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

Number 4, 2004 – As at 1 October 2004

2. JUDGMENTS RESERVED

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

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

Date heard: 17 August 2004

Harms JA, Brand JA, Cloete JA, Comrie AJA, Jafta 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

NDPP & Another v Rautenbach MD and 22 Others (146/2003)

Date heard: 19 August 2004

Mpati AP, 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 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

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

Date heard: 23 August 2004

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

Catchwords

Marriage – recognition of same-sex marriages – whether appellants’ application one for declaratory order or for relief under s 38 of Constitution – 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

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

Date 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 heard: 26 August 2004

Mpati AP, 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

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

Date 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 appellant’s inability to recover his goods

Appealed from NPD

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

Date 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

SJ Blieden v The City of Johannesburg and Others (377/03)

Date 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

G Koopman v The State (502/2003)

Date 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

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

Date heard: 14 September 2004

Mpati AP, 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

3. CASES ENROLLED FOR HEARING

Samancor Limited v Mutual and Federal Insurance Company Limited and 5 Others (565/2003)

Date to be heard: 1 November 2004

Mpati AP, Streicher JA, Conradie JA, Cloete JA, Comrie AJA

Catchwords

Insurance – damage to appellant’s equipment covered under Works Policy and Assets Policy – equipment constituted ‘property insured’ in terms of both policies – whether double insurance – whether provisions of Works Policy, read together with Assets Policy, preclude respondents from avoiding liability under Works Policy because plaintiff fully indemnified under Assets Policy – whether appellant has *locus standi* to bring claim against respondents, such claim being subrogated claim of one Westchester – whether any applicable principles of insurance law alter or affect interpretation of Works Policy and/ or Assets Policy

Appealed from WLD

Foodcorp (Pty) Ltd v Deputy Director General Department of Environmental Affairs and Tourism: Branch Marine and Coastal Management and 2 Others (87/2004)

Date to be heard: 1 November 2004

Harms JA, Scott JA, Brand JA, Erasmus AJA, Jafta AJA

Catchwords

Marine Living Resources Act 18 of 1998 – Commercial fishing rights – appeal against dismissal to review allocations by 1st respondent in pelagic sector of fishing industry – whether allocation of pilchards and anchovies arbitrary, unreasonable and demonstrated failure by 1st respondent to apply his mind – whether 1st respondent acted beyond his powers in revising initial allocations, and taking into account revised percentages submitted by applicants for pilchard and anchovy rights

Appealed from CPD

SB de Beer v The State (121/2004)

Date to be heard: 1 November 2004

Nugent JA, Van Heerden JA, Ponnar AJA

Catchwords

Criminal Law – conviction and sentence – 10 years imprisonment – whether State proved beyond reasonable doubt that appellant raped complainant – whether substantial and compelling circumstances present justifying imposition of a lesser sentence than minimum sentence prescribed by Act 105 of 1997, s 51

Appealed from WLD

Agricultural Research Council v GS Bredell and 3 Others (539/2003)

Date to be heard: 2 November 2004

Streicher JA, Navsa JA, Nugent JA, Heher JA, Erasmus AJA

Catchwords

Agriculture – Agricultural Research Act 86 of 1990, s 19(1)(b) – whether payment by appellant of monies to compensate defendants for their income tax liability on lump sum portion of their pension gratuities *ultra vires* in respect of Act – whether appellant entitled to recover these monies by means of either *condictio indebiti* or *condictio sine causa*

Appealed from TPD

The State v KS Katoo (642/2002)**Date to be heard:** 2 November 2004**Cameron JA, Mthiyane JA, Jafta AJA****Catchwords**

Criminal law – Criminal Procedure Act 51 of 1997, s 194 – whether court *a quo* correct in refusing to allow evidence of mentally handicapped complainant – whether proceedings irregular and can be commenced *de novo*

Appealed from SEC**N Noormohamed v AJ Visser NO and Another (555/2003)****Date to be heard:** 3 November 2004**Scott JA, Mthiyane JA, Brand JA, Comrie AJA, Patel AJA****Catchwords**

Contract Law – auction – appellant bidder at auction of immovable property which resulted in another bidder being nominated as purchaser whereupon Conditions of Sale of auction signed by bidder as purchaser – whether appellant bidding on behalf of principal – whether appellant contracted any obligations after agreement signed by other bidder – whether bidder became purchaser within context of conditions of sale of immovable property

Appealed from TPD**Catgraphics CC v Africon Engineering International (Pty) Ltd (600/2003)****Date to be heard:** 3 November 2004**Farlam JA, Cameron JA, Cloete JA, Heher JA, Ponnar AJA****Catchwords**

Copyright – Copyright Act 98 of 1978 – s 22(4), interpretation of – whether *proviso* in s 22(4) only relates only to express agreement – whether licence in terms of s 22(4) may be inferred from conduct

Appealed from CPD**Truck and General Insurance Company (Pty) Ltd v Simrak Trucking (546/2003)****Date to be heard:** 4 November 2004**Mpati AP, Navsa JA, Mthiyane JA, Conradie JA, Erasmus AJA****Catchwords**

Contract law – whether insurer entitled to cancel contract of insurance when instructed by financier of annual premium – interpretation of premium finance loan agreement – whether financier entitled to demand repayment of unused portion of premiums – whether defendant in fact cancelled policy and if so when

Appealed from DCLD**The Southern Life Association Ltd v WG Miller (017/2004)****Date to be heard:** 4 November 2004**Scott JA, Farlam JA, Cameron JA, Van Heerden JA, Patel AJA****Catchwords**

Insurance – whether respondent entitled to order compelling appellant to acknowledge its liability to a provident fund in circumstances where appellant issued policy of insurance to provident fund underwriting its obligations to its members – whether contract of insurance constituted *stipulation alteri* for benefit of members of provident fund – whether respondent has requisite *locus standi* – whether relief sought

amounts to claim for order compelling fulfilment of suspensive condition – whether competent

Appealed from OPD

E Creutzburg and Another v Commercial Bank of Namibia (029/2004)

Date to be heard: 5 November 2004

Mpati AP, Streicher JA, Nugent, Heher JA, Ponnann AJA

Catchwords

Conflict of laws – suretyship – invalid under Act 80 of 1956, s 6 – valid under Namibian law – whether Namibian law correctly applied – whether respondent's claim prescribed

Appealed from CPD

Distcor Export Partners and Another v The Director-General of the Department of Trade and Industry (521/2003)

Date to be heard: 5 November 2004

Harms JA, Conradie JA, Comrie AJA, Jafta AJA, Patel AJA

Catchwords

Trade and Industry – General Export Incentive Scheme (GEIS) – *locus standi* – respondent's standing to recover amounts incorrectly paid by Department of Trade and Industry to appellants under GEIS – whether GEIS guidelines provide respondent with necessary *locus standi* – whether Public Finance Management Act 1 of 1999, s 38(1)(c)(i) applicable

Appealed from DCLD

1. **Geldenhuis and Another v Van Wyk and Another (471/2003)**

2. **van Wyk v Geldenhuis and Another (472/2003)**

Date to be heard: 8 November 2004

Scott JA, Cameron JA, Brand JA, Nugent JA, Erasmus AJA

Catchwords

Road Accident Fund – Prescription Act – Road Accident Fund Act 56 of 1996, regulation 2(3) – whether plaintiff's failure to comply with regulations resulted in claims in her personal and representative capacities against second defendant becoming prescribed, lapsed or unenforceable – whether regulation *ultra vires* insofar as it prescribed period within which claims in terms of s 17(1)(b) of Act should be submitted to RAF – whether regulation unconstitutional insofar as it purports to apply to minors

Appealed from TPD

MEC, Department of Finance, Economic Affairs and Tourism, Northern Province v SG Mahumani (478/2003)

Date to be heard: 8 November 2004

Streicher JA, Navsa JA, Jafta AJA, Patel AJA, Ponnann AJA

Catchwords

Public Service – Disciplinary Code and Procedures for Public Service, Resolution No. 2 of 1999 – clause 7.3 (e), interpretation of right to be legally represented at disciplinary hearing – whether Administrative Justice Act 3 of 2000 applicable – constitutionality of clause – legality and enforceability of waiver of constitutional right

Appealed from TPD

WDJ Lubbe v BWB Louw (531/2003)**Date to be heard:** 8 November 2004**Farlam JA, Cloete JA, Heher JA****Catchwords**

Delict – negligence – responsibility for starting fire – whether unlawfulness proved

Appealed from OPD**JZ Brink v Humphries & Jewell (Edms) Bpk (516/2003)****Date to be heard:** 9 November 2004**Mpati AP, Farlam JA, Navsa JA, Cloete JA, Jafta AJA****Catchwords**Suretyship – *iustus error* – whether appellant misled by appearance of document**Appealed from TPD****1. GJ van der Walt and Another v Public Relations Promotions and Communications BK****2. Public Relations Promotion v GJ van der Walt and Another (383/2003)****Date to be heard:** 9 November 2004**Harms JA, Streicher JA, Conradie JA, Van Heerden JA, Comrie AJA****Catchwords**

Close corporations – Close Corporations Act 69 of 1984, ss 42, 43 and 52 – whether fiduciary duty towards Close Corporation breached

Appealed from TPD**JH Brandt v The State (513/2003)****Date to be heard:** 9 November 2004**Cameron JA, Mthiyane JA, Brand JA, Patel AJA, Ponnann AJA****Catchwords:**Criminal law – sentence – murder and robbery with aggravating circumstances and attempted robbery – life imprisonment on 1st charge and 15 years imprisonment on 2nd and 3rd charges – prescribed minimum sentence – Criminal Law Amendment Act 105 of 1997, s 51(3)(b) – whether substantial and compelling circumstances existed**Appealed from ECD****Road Accident Fund v ZJ Mkhize (557/2003)****Date to be heard:** 10 November 2004**Scott JA, Mthiyane JA, Conradie JA,****Catchwords**

Road Accident Fund – Road Accident Fund Act 56 of 1996, ss 17(1) and 18(1) – whether claim of passenger in tanker being towed by tow truck which collided with road grader due to negligence of driver of tow truck limited to R25 000 – tanker completely dependent upon tow truck for its steering and propulsion

Appealed from DCLD**National Director of Public Prosecutions v AL Phillips and 15 Others (043/2004)****Date to be heard:** 11 November 2004**Mpati AP, Scott JA, Nugent JA, Conradie JA, Jafta AJA****Catchwords**

Prevention of Organised Crime Act 121 of 1998 – jurisdiction of High Court to rescind restraint order in circumstances not contemplated by Act – whether common law powers of court to regulate its process can be invoked to rescind restraint order – whether good cause for rescission existed on basis that restraint order impossible of performance – whether impossibility of performance directed at certain terms of restraint order renders whole of order impossible and justifies rescission of whole order
Appealed from WLD. 2002 (4) SA 60 (W); 2002 (2) SACR 375 (W)

DM De Lange v State (563/2003)

Date to be heard: 11 November 2004

Mithiyane JA, Heher JA, Comrie AJA

Catchwords

Criminal law – fraud – whether appellant’s guilt proved beyond reasonable doubt

Appealed from ECD

Road Accident Fund v WZ Mgweba (488/2003)

Date to be heard: 11 November 2004

Brand JA, Van Heerden JA, Erasmus AJA

Catchwords

Road Accident Fund – collision between pedestrian and insured motor vehicle at robot controlled intersection – degree of negligence on part of pedestrian and insured driver – appropriate order as to costs where apportionment made on appeal – whether judgment or order appealable

Appealed from WLD

MDB Animal Health (Pty) Ltd v Monsanto Company and Another (015/2004)

Date to be heard: 12 November 2004

Harms JA, Farlam JA, Brand JA, Nugent JA, Cloete JA

Catchwords

Intellectual property law – patent law – appeal against decision of Registrar of Patents – whether Intellectual Property Transfer Agreement constituted assignment of patents – which country’s law applies to interpretation of agreement – whether agreement patents assigned – whether extrinsic evidence of surrounding circumstances supports submission patents not assigned

Appealed from TPD

The Director of Public Prosecutions, Transvaal v PNJ Viljoen (411/2003)

Date to be heard: 12 November 2004

Streicher JA, Navsa JA, Van Heerden JA, Erasmus AJA, Ponnann AJA

Catchwords

Criminal Procedure – Act 51 of 1977, s 319 – Act 51 of 1977, s121 proceedings – when accused should be informed of rights to remain silent and to legal representation – effect if rights not explained – whether explanation should be repeated before accused makes statement – Act 108 of 1996, s 35 rights together with Act 51 of 1977, s 217 rights, interpretation of – opportunity for prosecution to reopen case – interests of justice and effective prosecution – Act 108 of 1977, s 35(5) – effect on evidence if not complied with

Appealed from TPD

JC Batista Gouveia v Certain Underwriters at Lloyds of London (454/2003)**Date to be heard:** 15 November 2004**Harms JA, Mthiyane JA, Brand JA, Cloete JA, Patel AJA****Catchwords**

Insurance law – claim for indemnity under written contract of insurance – whether misrepresentation materially affected assessment of risk undertaken by insurer at time of issue of policy or at time of any renewal or variation – whether misrepresentation prevented insurer from making further enquiries – Short-term Insurance Act 53 of 1998, s 3(1), application of

Appealed from WLD**Eskom v Bojanala Platinum District Municipality and Another (560/2003)****Date to be heard:** 15 November 2004**Scott JA, Cameron JA, Heher JA, Comrie AJA, Jafta AJA****Catchwords**

Enrichment – *condictio Indebiti* – whether *condictio indebiti* in its analogous form available to appellant as cause of action – whether cause of action based directly on Constitution 108 of 1996, s 25(1) and Interim Constitution 200 of 1993, s 28(2) available – whether common law should be developed to afford appellant cause of action – whether relevant prescriptive period three years or thirty years

Appealed from TPD**The Attorneys Fidelity Fund Board of Control v E Burns NO of Dynamic Services Investment Trust (510/2003)****Date to be heard:** 16 November 2004**Mpati AP, Streicher JA, Navsa JA, Brand JA, Ponnann AJA****Catchwords**

Attorneys – Attorneys' Fidelity Fund – theft of money by attorney and claim by respondent for reimbursement thereof from appellant in terms of Attorneys' Act 53 of 1979, s 26 – whether respondent had *locus standi* – whether claim time barred – whether liability of appellant excluded in terms of s 47(1)(g) read with s 47(5) and s 78(2A) – whether appellant liable for interest – whether monies entrusted to relevant attorney in course of his practice

Appealed from WLD**SA Eagle Insurance Company Limited v KRS Investment CC (574/2003)****Date to be heard:** 16 November 2004**Nugent JA, Van Heerden JA, Erasmus AJA****Catchwords**

Insurance Law – claims under policy in respect of motor vehicle damaged and fire to restaurant – damage to vehicle and restaurant occurring on different dates – claim in respect of motor vehicle damage fraudulent – whether insurer liable in respect of fire damage – whether second claim should be paid by appellant

Appealed from WLD**Independent Electoral Commission v Graficomp CC (570/2003)****Date to be heard :** 18 November 2004**Harms JA, Streicher JA, Farlam JA, Erasmus AJA, Comrie AJA****Catchwords**

Property Law – procedure – delivery of movables and/or payment of sum of money – whether respondent could have instituted *rei vindicatio* against appellant – whether

ownership of goods passed to appellant – whether affidavit in support of summary judgment application complied with requirements of Rule 32 of Uniform Rules of Court – whether summons disclosed cause of action – whether respondent should have tendered return of trade-in goods before instituting *rei vindicatio*

Appealed from TPD

Ismail Bhamjee v Total South Africa (Pty) Ltd (360/2004)

Date to be heard: 18 November 2004

Cameron JA, Brand JA, Heher JA, Patel AJA, Ponnann AJA

Catchwords

Contract – interpretation – whether contract relied upon by respondent revealed applicant not indebted – whether applicant's objection to respondent's leading evidence on causes of action not pleaded by respondent wrongly dismissed – whether respondent discharged onus

Appealed from TPD

JS Taylor v The Minister of Safety and Security and Another (458/2003)

Date to be heard: 18 November 2004

Navsa JA, Conradie JA, Van Heerden JA

Catchwords

Police – procedure – notice of intention to institute legal proceedings against an organ of state – whether s 57 of Police Services Act complied with – whether adequate notice given – whether notice received within statutory time limit

Appealed from SECLD

Buffalo City Municipality v Willy Gauss and Another (005/2004)

Date to be heard: 19 November 2004

Mpati AP, Navsa JA, Nugent JA, Cloete JA, Comrie AJA

Catchwords

Expropriation – Municipal Ordinance (Cape) 20 of 1974, s 123 – procedure to be adopted by local authority to expropriate property – whether local authority obliged to afford potential expropriatee right of hearing before decision to expropriate taken

Appealed from ECD

Hollard Life Assurance Company Ltd v GJ van der Merwe NO (569/2003)

Date to be heard: 19 November 2004

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

Catchwords

Insurance – *locus standi* – whether executor of deceased estate has *locus standi* to claim proceeds of insurance policy ceded by deceased *in securitatem debiti* to third party – whether cessionary complied with recovery provisions in terms of policy – whether death of deceased as result of self-inflicted injury falls within exclusion clause – whether exclusion clause *contra bonos mores*

Appealed from TPD

The South African Bank of Athens Ltd v M van Zyl (431/2003)

Date to be heard: 22 November 2004

Mpati AP, Farlam JA, Mthiyane JA, Van Heerden JA, Erasmus AJA

Catchwords

Constitutional law – Constitution s 34 – whether *parate executie* rendered unlawful and in contravention of above section – whether s 34 affords debtor an out-and out right to recover from his or her creditor proceeds obtained by creditor by way of *parate executie* unconstitutional
Appealed from WLD

BJV Durandt v Fedsure General Insurance Ltd (421/2003)

Date to be heard: 22 November 2004

Harms JA, Nugent JA, Heher JA, Comrie AJA, Jafta AJA

Catchwords

Insolvency – Insolvency Act 24 of 1936, s 56(4) – liability of co-trustees for misappropriation by co-trustee of monies belonging to insolvent

Appealed from CPD

Commissioner for the South African Revenue Services v Nashua Ltd (597/2003)

Date to be heard: 22 November 2004

Scott JA, Navsa JA, Cloete JA

Catchwords

Revenue – Customs and Excise Act 91 of 1964 – appeal against declaratory order – interpretation of tariff item 128.40 in Part 2B of Schedule 1, interpretation of – whether parts and accessories for all photocopying apparatus attract payment of *ad valorem* customs duty

Appealed from TPD

AM Moolla Group Ltd and 6 Others v The Gap Inc and 3 Others (543/2003)

Date to be heard: 23 November 2004

Harms JA, Streicher JA, Farlam JA, Cloete JA, Jafta AJA

Catchwords

Counterfeit Goods Act 37 of 1997 – Trade Marks Act 194 of 1993 – whether lawful for goods bearing GAP marks to be exported or imported through RSA where marks placed on goods outside RSA and goods not for sale in RSA

Appealed from DCLD

Hay Management Consultants Ltd v P3 Management Consultants (Pty) Ltd (439/2003)

Date to be heard: 23 November 2004

Scott JA, Cameron JA, Conradie JA, Heher JA, Patel AJA

Catchwords

Jurisdiction – submission to – whether place of performance relevant and within area of jurisdiction – whether choice of *domicilium citandi et executandi* sufficient to establish tacit submission to jurisdiction

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

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

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