



RESERVED JUDGMENT REPORT FOR THE CHIEF JUSTICE

TERM 3 2020 RELEASE

September 2020



Reserved Judgments

1. Introduction

The judicial **norms and standards**, in paragraph 5.2.6 provides that judgments in constitutional, criminal and civil matters should generally not be reserved without a fixed date for handing down. Judicial Officers have a choice to reserve judgments *sine die* where circumstances are such that the delivery of a judgment on a fixed date is not possible. The norms and standards state that the Judicial Officers should make every effort to hand down reserved judgments no later than three (3) months after the date of the last hearing.

At the meeting held on 28 September 2018, the Heads of Court resolved that the reserved judgments report containing a list of judgments outstanding for 6 months or longer will be published on the OCJ website.

2. Statistics Overview

During the beginning of term 3 of 2020 there were a total of **607** judgments reserved. **525 (86%)** were reserved for less than 6 months and **82 (14%)** were reserved for longer than 6 months.

Labour Court Johannesburg with **24** had the most reserved judgments longer than 6 months, followed by KZN Division, Pietermaritzburg with **18** reserved Judgments.

Table 1: Reserved Judgement as End of July 2020

Court Name	Less than 6 Months	More than 6 Months	% of more than 6 months	Grand Total
Constitutional Court	10	2	17%	12
Supreme Court Of Appeal	8		0%	8
Competition Appeal	3		0%	3
Labour Court Cape Town	30		0%	30
Labour Court Durban	11	5	31%	16
Labour Court Johannesburg	100	13	12%	113
Labour Court Port Elizabeth	12		0%	12
Land Claims Court	5		0%	5



Court Name	Less than 6 Months	More than 6 Months	% of more than 6 months	Grand Total
Eastern Cape Division, Grahamstown	32	3	9%	35
Eastern Cape Local Division, Bhisho	9		0%	9
Eastern Cape Local Division, Mthatha	7		0%	7
Eastern Cape Local Division, Port Elizabeth	13		0%	13
Free State Division, Bloemfontein	15		0%	15
Gauteng Division, Pretoria	41	17	29%	58
Gauteng Local Division, Johannesburg	61	6	9%	67
KwaZulu-Natal Division, Pietermaritzburg	41	18	31%	59
KwaZulu-Natal Local Division, Durban	21	12	36%	33
Limpopo Division, Polokwane	12	1	8%	13
Limpopo Local Division, Thohoyandou	7		0%	7
Mpumalanga Division, Mbombela	13		0%	13
Mpumalanga Local Division, Middelburg	4		0%	4
North West Division, Mahikeng	13	1	7%	14
Northern Cape Division, Kimberley	16	2	11%	18
Western Cape Division, Cape Town	41	2	5%	43
Grand Total	525	82	14%	607



3. Reserved Judgments Breakdown Per Court

3.1. Constitutional Court = 2

OFFICE	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
Constitutional Court	CCT 14/19	SAHRC vs Bongani Masuku and Congress of the South African Trade Unions CCT	27 August 2019	339	11
Constitutional Court	CCT 110/19	New Nation Movement NPC and Others vs President of the Republic of South Africa and Others	15 August 2019	351	11

3.2. LABOUR COURTS

3.2.1. Labour Court Johannesburg = 13

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	COMMENTS
Labour Court Johannesburg	MACHAKA AJ	JR691/18	FEZIWE MABASA// DR SIRIGU	09 January 2019	538	18	
Labour Court Johannesburg	RHEEDER AJ	JR1174/18	AMCU v/s Nhlanhla Mazibuko	11 July 2019	355	12	Delivered 31 August 2020
Labour Court Johannesburg	FOUCHE AJ	JR290/17	Premier of Limpopo v/s PSA obo Members	17 July 2019	349	12	
Labour Court Johannesburg	MOGANE AJ	J2395/16	Ngaka Modiri Molema v/s M. Motshabi & Others	17 July 2019	349	12	
Labour Court Johannesburg	MAKAPANE AJ	J734/16	M V RAMOSE v/s DEPARTMENT OF CORRECTIONAL SERVICES	17 July 2019	349	12	
Labour Court Johannesburg	JOHNSON AJ	JR1250/16	O RADEBE // CAPE GATE MAREPHA (PTY) LTD	18 July 2019	348	12	
Labour Court Johannesburg	JOHNSON AJ	JR1044/17	MONEYLINE FINANCIAL SERVICES (PTY) LTD // THABANG SERVICES	18 July 2019	348	12	
Labour Court Johannesburg	FOUCHE AJ	JR2329/16	Aerosud Aviation v/s H s Ngobese	19 July 2019	347	12	
Labour Court Johannesburg	FOUCHE AJ	JR2377/12	Satawu v/s Bidair Services	19 July 2019	347	12	



OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	COMMENTS
Labour Court Johannesburg	MAKAPANE AJ	JR610/16	WOOLWORTHS (PTY) LTD v/s T MAROOPENG	19 July 2019	347	12	
Labour Court Johannesburg	MGAGA AJ	J1946/17	NORAH MOKGADI LION v/s THE GREAT TZANEEN MUNICIPALITY	15 October 2019	259	9	
Labour Court Johannesburg	BALOYI SM AJ	JR800/17	PRIDE MILLING COMPANY V/S P SCHOEMAN	23 October 2019	251	8	
Labour Court Johannesburg	MGAGA AJ	J2158/19	MATEO MATHEBE v/s PRASA	14 November 2019	229	8	

3.2.2. Labour Court Durban = 5

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
Labour Court Durban	Mgaga AJ	D1685/17	D Grubb v SIU & another	23 October 2019	282	9
Labour Court Durban	Mgaga AJ	D484/14	A Mpono v Dept of Education	25 October 2019	280	9
Labour Court Durban	Mgaga AJ	D1148/18	SASRI v W Maphumulo & others	27 November 2019	247	8
Labour Court Durban	Mgaga AJ	D2157/18	G Venkatraan v Umkomaas SHRI	28 November 2019	246	8
Labour Court Durban	Whitcher J	D1605/18 & D1686/18	NUMSA v Working on Fire	04 December 2019	240	8

3.3. HIGH COURT DIVISIONS

3.3.1. Eastern Cape Division

3.3.1.1 Eastern Cape Division, Grahamstown = 3

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
Eastern Cape Division, Grahamstown	Beshe J	2610/2019	MEC for Public Works v Ikamva Architects	25 October 2019	280	9
Eastern Cape Division, Grahamstown	Malusi J	EL289/2017	Lutho A Lwana v Min of Police	06 November 2019	268	9
Eastern Cape Division, Grahamstown	Ntsepe, AJ	358/2018	Thabiso Yongwa/MEC for Health EC	18 December 2019	226	7



3.3.2. Gauteng Division
3.3.2.1 Gauteng Division, Pretoria

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OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	Comment
Gauteng Division, Pretoria	Khumalo J	4800/12	J Conradie v HPC Conradie	11 April 2019	477	15	
Gauteng Division, Pretoria	Molopa-Sethosa & Coetzee	76753/17	Law Society vs M H Nxumalo	07 May 2019	476	15	Delivered 28 August 2020
Gauteng Division, Pretoria	Khumalo J	A693/15	PT Africa v The State	01 August 2019	381	12	Delivered 17 August 2020
Gauteng Division, Pretoria	Hughes J	91622/16	T.D Mangaliiso obo T.B Mangaliso v Member of Exec for Health Social Development	07 August 2019	359	12	
Gauteng Division, Pretoria	RANCHOD J	40675/16	MMB NGOMA obo TD NGOMA // RAF	17 October 2019	288	9	Delivered 11 August 2020
Gauteng Division, Pretoria	Khumalo J	A577/17	IO Mokuobi v The State	21 October 2019	284	9	
Gauteng Division, Pretoria	Khumalo & Wanless	A350/18	M M Motwanama v D J Motwanama	29 October 2019	276	9	
Gauteng Division, Pretoria	Mabuse J	12160/16	BSH Home Appliances (Pty) Ltd t/a Bosch v International Trade and Administration Commission & Others	31 October 2019	274	9	
Gauteng Division, Pretoria	Mngqibisa-Thusi J	48521/19	A Dlodlo v the Public Protector + 10 Others	06 November 2019	268	9	
Gauteng Division, Pretoria	Mngqibisa-Thusi J	68900/18	Samsung Electronics SA (PTY) Ltd v CSARS	12 November 2019	262	8	
Gauteng Division, Pretoria	Mngqibisa-Thusi J	16402/17	Voice of the Unborn Baby NPC & Another v The Min of Home Affairs + 1	15 November 2019	259	8	
Gauteng Division, Pretoria	Avvakoumi des AJ	A68/19	BENJAMIN NOMQOLO v STATE	18 November 2019	256	8	
Gauteng Division, Pretoria	Khumalo J	A37/19	SS Skosana vs The State	28 November 2019	246	8	



OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	Comment
Gauteng Division, Pretoria	Mngqibisa-Thusi J	87126/19	Zelma Straus N.O v Willam Albert Brown Van der Walt	04 December 2019	240	8	
Gauteng Division, Pretoria	Mabuse J	3308/18	Lordship Trading Enterprises (Pty) Ltd v Vodacom (Pty) Ltd	11 December 2019	233	8	
Gauteng Division, Pretoria	SARDIWALL A J	79946/19	GADCO VS MOUTON	29 January 2020	184	6	Delivered 12 August 2020
Gauteng Division, Pretoria	RANCHOD J	54918/17	S MTSWENI // MINISTER OF POLICE	30 January 2020	183	6	Delivered 24 August 2020

3.3.2.2 Gauteng Local Division, Johannesburg = 6

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
Gauteng Local Division, Johannesburg	Spilg & Coertse AJ	A3119/2019	Cochrane Steel Products v Daryl Lee Botha	07 October 2019	298	10
Gauteng Local Division, Johannesburg	Yacoob J	4923/2019	Golden Fried Chicken (Pty) Ltd v Vlachos D & Another	05 November 2019	269	9
Gauteng Local Division, Johannesburg	Yacoob J	3667/2019	Prudential Authority v Bophelo Life Insurance Company Ltd & 3 others & 2 Intervening Parties	06 November 2019	268	9
Gauteng Local Division, Johannesburg	Yacoob J	40683/2018	Prudential Authority v Bophelo Life Insurance Company Ltd & 3 others & 2 Intervening Parties	06 November 2019	268	9
Gauteng Local Division, Johannesburg	Yacoob J	40682/2018	Prudential Authority v Bophelo Life Insurance Company Ltd & 3 others & 2 Intervening Parties	06 November 2019	268	9
Gauteng Local Division, Johannesburg	Yacoob J	3666/2019	Prudential Authority v Bophelo Life Insurance Company Ltd & 3 others & 2 Intervening Parties	06 November 2019	268	9



3.3.3 KwaZulu-Natal Division

3.3.3.1 KwaZulu-Natal Division, Pietermaritzburg = 18

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	Comments
KwaZulu-Natal Division, Pietermaritzburg	Van Zyl J	4426/2011	Allan Gray vs Chairperson of KZN	12 December 2012	2788	90	
KwaZulu-Natal Division, Pietermaritzburg	Van Zyl J	4416/2012 & 4417/2012	Redefine Prop vs D Van Der Merwe	04 June 2013	2614	84	
KwaZulu-Natal Division, Pietermaritzburg	Henriques J	10169/2011	Z S Mbuyazi vs M Mafuleka	27 May 2016	1526	49	
KwaZulu-Natal Division, Pietermaritzburg	Van Zyl J	10987/2015	UmpHEME Development vs Ulundi Local Municipality	03 November 2017	1001	32	
KwaZulu-Natal Division, Pietermaritzburg	MNGUNI J	10146/2010	Stols vs Galicke & Bousfield & ors	12 September 2018	688	22	Delivered 09/09/2020
KwaZulu-Natal Division, Pietermaritzburg	Ntshulana AJ	9336/2012& 4028/2013	Gertruida Susanna Jacobs vs Natasha Tapson	01 July 2019	396	13	
KwaZulu-Natal Division, Pietermaritzburg	Chili J	AR501/2018	Member of Executive Council for Health vs N Mqadi and another	29 July 2019	368	12	
KwaZulu-Natal Division, Pietermaritzburg	Henriques J	13741/2017	Alexandra Nikolaevitch Schwartz v Strauss Daly Incorporated	28 August 2019	338	11	
KwaZulu-Natal Division, Pietermaritzburg	Henriques J	184/2018	KZN Oils vs Nelta	13 September 2019	322	10	
KwaZulu-Natal Division, Pietermaritzburg	Van Zyl J	AR8/2019	BrVOSPAN 230 cc VS Rasmus Ramandh Investments	11 October 2019	294	9	
KwaZulu-Natal Division, Pietermaritzburg	Van Zyl J	AR81/2016	W R Stainforth & 2 others vs Bravospan	11 October 2019	294	9	
KwaZulu-Natal Division, Pietermaritzburg	JUDGE K PILLAY	1030/2019	W J NEL N.O & OTHERS V UMDONI MUNICIPALITY & ANO	11 October 2019	294	9	
KwaZulu-Natal Division, Pietermaritzburg	JUDGE K PILLAY	1464/2019	KZN MUNICIPAL PENSION FUND VS KZN JOINT MUNICIPAL FUND & OTHERS	18 October 2019	287	9	
KwaZulu-Natal Division, Pietermaritzburg	MNGUNI J	6052/2012	Cowsta Beleggings (Pty) Ltd vs Minister of Public Works	19 November 2019	255	8	



OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	Comments
KwaZulu-Natal Division, Pietermaritzburg	HADEBE J	10194/2018	FINNINGLEY DEV. CO. (PTY) LTD vs MINISTER OF AGRICULTURE & 3 ORS.	29 November 2019	245	8	
KwaZulu-Natal Division, Pietermaritzburg	MNGUNI J	2838/2019	Victoria Country Club Estate vs D Goosen	29 November 2019	245	8	Delivered 27 August 2020
KwaZulu-Natal Division, Pietermaritzburg	Radebe J	15770/2015	Franca Mazzer vs Sian Siebert	28 January 2020	185	6	
KwaZulu-Natal Division, Pietermaritzburg	Ntshulana AJ	6906/2018	J. Arejune v H Rampresath	30 January 2020	183	6	

3.3.3.2 Kwazulu-Natal Local Division, Durban= 12

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
KwaZulu-Natal Local Division, Durban	Moodley J	A80/2014	Credit Europe Bank NV vs Sale of the MV Tarik III	07 September 2017	1058	34
KwaZulu-Natal Local Division, Durban	Moodley J	7900/2016	LDM Consulting vs Dube Tradeport Corp	15 September 2017	1050	34
KwaZulu-Natal Local Division, Durban	Moodley J	2629/2010	Olive Marketing CC/Eden Crescent	23 November 2017	981	32
KwaZulu-Natal Local Division, Durban	JUDGE K PILLAY	13840/2011	M SINGH VS MEC FOR EDUCATION FOR THE PROVINCE OF KZN	29 November 2017	975	31
KwaZulu-Natal Local Division, Durban	Henriques J	11609/2006	UNILEVER SOUTH AFRICAN HOME & PERSONAL CARE (PTY) LTD V M.K NAIDOO & ANOTHER	11 October 2018	659	21
KwaZulu-Natal Local Division, Durban	Radebe J	5491/2016	Gregory Craig Ayres + 1 v The Minister of Justice + Correctional Services + 1	26 April 2019	462	15
KwaZulu-Natal Local Division, Durban	Henriques J	13149/2017	K Samie v Secona Freight Logistics CC & Others	31 July 2019	366	12
KwaZulu-Natal Local Division, Durban	Henriques J	D8146/2018	ME Ndlovu & Others v The Master of the High Court Pmb & Others	20 August 2019	346	11
KwaZulu-Natal Local Division, Durban	Vahed J	A50/2018	Icon Amazing LLC & others v Advantage Sky Shipping LLC & another	16 October 2019	289	9
KwaZulu-Natal Local Division, Durban	MNGUNI J	A56/2016	Transnet (SOC) Ltd vs The Owners, Bearers of Risk	01 November 2019	273	9



OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
KwaZulu-Natal Local Division, Durban	Henriques J	D3280/2017	South African Revenue Services v N. Hamid	11 November 2019	263	8
KwaZulu-Natal Local Division, Durban	Masipa J	D6834/2019	ELIAS PARTNERS & SONS (PTY) LTD & ANO VS ETHEKWINI MUNICIPALITY	05 December 2019	239	8

3.3.4 Limpopo Division, Polokwane = 1

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
Limpopo Division, Polokwane	MG Phatudi J and Shakoane AJ	HCA17/2018	Tilahun Tsafaye Bania and Minister of Police	06 December 2019	238	8

3.3.5 North West Division, Mahikeng = 1

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months
North West Division, Mahikeng	Montsho-Moloiwane AJ	1673/2017	Marks Smuts Mathebula v Minister of Police & Ano.	06 November 2019	268	9

3.3.6 Northern Cape Division, Kimberley = 2

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	COMMENTS
Northern Cape Division, Kimberley	Williams	1060/2009	Motshabi vs Motshabi	15 November 2019	259	8	
Northern Cape Division, Kimberley	Phatshoane, Williams, Vuma	2018/2013	Laubscher vs RAF	18 November 2019	256	8	Delivered 11 September 2020

3.3.7. Western Cape Division, Cape Town = 2

OFFICE	JUDGE'S NAME	CASE NUMBER	PARTIES	DATE JUDGMENT RESERVED	Days	Months	COMMENTS
Western Cape Division, Cape Town	Gamble, J et Samela, J	7908/2017	T.A. Adonisi & Others v Minister of Transport and Public Works: WC & 11 Others	29 November 2019	245	8	Delivered on 31 August 2020
Western Cape Division, Cape Town	Gamble, J et Samela, J	12327/2017	Minister of Human Settlements & 2 others v Premier of the WC Province & 5 others	29 November 2019	245	8	Delivered 31 August 2020

