

APPLICANT: MR. MANDLA PETRUS NATHAN MBONGWE

**COURT FOR WHICH CANDIDATE APPLIES: GAUTENG DIVISION
OF THE HIGH COURT**

1. The candidate's appropriate qualifications:

- 1.1. The candidate holds a BProc degree, obtained in 1982.
- 1.2. The applicant was admitted as an attorney of the High Court in May 1985, and obtained right of appearance in the High Court in 2001.
- 1.3. The candidate lists no other certificates, diplomas, or qualifications.
- 1.4. The candidate is suitably qualified.

2. Whether the candidate is a fit and proper person:

- 2.1. The candidate has never been convicted of any offence involving dishonesty, violence, or any disreputable or dishonourable conduct.
- 2.2. The candidate has never been found guilty of any unprofessional or disgraceful conduct by a legal professional body.
- 2.3. There is nothing in the candidate's application or in the material reviewed and comments received on the candidate to suggest that he is not a fit and proper person.

3. Whether the candidate's appointment would help to reflect the racial and gender composition of South Africa:

- 3.1. As a black man, the appointment of the candidate:
 - 3.1.1. will help to reflect the racial composition of South Africa; but

3.1.2. will not help to reflect the gender composition of South Africa.

4. The candidate's knowledge of the law, including constitutional law:

4.1. The candidate has lengthy experience in practice, having commenced his articles in 1983 and having commenced practice in his own attorney's firm in 1985.

4.2. In his application the candidate lists two cases in which he appeared, that he deems significant:

4.2.1. An application on behalf of a boxer against the Gauteng Boxing Control Commission that culminated in the Commission being ordered to, at its expense, have the boxer examined by an independent medical specialist.

4.2.2. The claimant's successful challenge, on behalf of homeowners, of agreements concluded with a building society.

4.3. Neither of the above two matters are included in the candidate's application or available for consideration by the reviewers, and we are not able to come to any conclusion regarding knowledge of the law or constitutional issues that might be evident therefrom.

4.4. The candidate previously applied for appointment as a judge to the Gauteng Division of the High Court. The review prepared by the Johannesburg Society of Advocates ("JSA") in 2016 pointed out that one of the judgments under review gave rise to concern:

4.4.1. In *Phakisaworld Fleet Solutions (Pty) Ltd v Mulalo Touring Services and Others* (unreported judgment of the Gauteng Local Division of the High Court, case no. 2011/21217

handed down on 2 September 2014) the candidate appears to have confused the onus on a point of prescription. The candidate required a plaintiff to pro-actively plead, even before a defence of prescription had been raised, facts in the particulars of claim, which would indicate that the claim had not prescribed. This is a fundamental error.

4.4.2. In the same judgment the candidate refused to permit the filing of a replication to the special plea of prescription raised by the defendant on the grounds that the replication sought to introduce a new cause of action. If the replication was to be filed simply to plead facts in response to a defence of prescription (as appears likely), this would again be a fundamental error.

4.5. The above concern, even though raised in 2016, remains valid.

4.6. In *Naidoo v Minister of Police* (20431/2014) [2015] ZASCA 152, the Supreme Court of Appeal, over and above criticising the complainant's overall conduct of the trial (an aspect that is dealt with in greater detail below) specifically questioned the claimant's knowledge of the law of evidence with reference to the Law of Evidence Amendment Act, Act 45 of 1988 – see paragraph [55] of the SCA judgment.

5. **The candidate's commitment to the values of the constitution:**

5.1. In his application the candidate confirms his commitment to Constitutional values and principles.

6. Whether any judgments have been overturned on appeal:

- 6.1. The candidate states that seven of his decisions have been taken on appeal, and that two of these appeals were upheld. Since the date of the candidate's application (26 November 2020) an appeal in respect of a third judgment given by the candidate was upheld. This decision is dealt with in 6.6 and 6.7 below.
- 6.2. The reviewers gained the impression that the candidate is reluctant to grant applications for leave to appeal against his judgments. This may be an aspect that the JSC is desirous of taking up with the candidate in his interview.
- 6.3. The candidate explains that he has given no less than 80 judgments since first being appointed as an acting judge in 2013. We point out that from the judgments available for review, it is evident that some of these judgments were given in unopposed applications.
- 6.4. The candidate did not list the decisions that were taken on appeal, or the matters that were successfully appealed.
- 6.5. As mentioned above, the candidate's decision in *Naidoo v Minister of Police* was overturned on appeal. In that matter:
- 6.5.1. The plaintiff claimed damages from the Minister of Police based on: (1) a negligent breach by police officers of their duty of care to the plaintiff, after police officers' conduct breached the plaintiff's rights under the Domestic Violence Act, Act 116 of 1998; (2) her illegal arrest without a warrant whilst she was seeking assistance from the police under the Domestic Violence Act; and (3) assault suffered by the plaintiff at the hand of police officers while seeking assistance from them.

- 6.5.2. The candidate dismissed the plaintiff's claims, and held that: (1) the Minister could not be held liable because all the members of the SAPS who were said to have breached the legal duty allegedly owed to the appellant under the Act, were not cited as defendants; (2) as one of the police officers cited as defendant had died before the trial, it was incumbent upon the plaintiff to substitute his estate or its representative as a party in the action; and (3) the arrest and detention of the plaintiff was lawful since there had been a counter-complaint of domestic violence laid against the plaintiff by her former husband.
- 6.5.3. The SCA overturned the candidate's findings in all respects.
- 6.5.4. The candidate refused the plaintiff's application for leave to appeal, and the plaintiff had to apply for leave to appeal to the Supreme Court of Appeal.
- 6.6. On 5 February 2021, a full bench of the Gauteng Division of the High Court overturned the candidate's decision in the matter of *ABSA Bank Ltd v Centurion Bus Manufacturers (Pty) Ltd*. We do not have a citation or reference for the candidate's original judgment which emanated in 2016. The reference for the appeal judgment is *ABSA Bank Ltd v Centurion Bus Manufacturers (Pty) Ltd* (A46/2018) [2021] ZAGPPHC 48.
- 6.7. In the *ABSA Bank* matter the appeal bench held that the candidate, even though relying on the correct authorities and case law, incorrectly applied the test in respect of an application for absolution from the instance.

- 6.8. We do not have the particulars of the third matter that was apparently successfully appealed.
- 6.9. In addition to the three judgments that have been successfully appealed, two of the candidate's judgments have been overruled by other courts. These judgments are *Mokubung v Mamela Consulting & Others* (87653/2016) [2017] ZAGPPHC462 (14 June 2017) and *Manamela v Du Plessis t/a Debt Safe & Others* (78244/2016) [2017] ZAGPPHZ289 (21 June 2017).
- 6.10. In these two matters the candidate handed down judgments that were in all respects identical, save for the details of the litigating parties and the date of the hearings. It is not clear whether this is a practice regularly adopted by the candidate.
- 6.11. In the *Mokubung* and *Manamela* matters, the candidate relied on the judgment in *Universal City Studios Inc v Network Video (Pty) Ltd* [1986] ZASCA 3; 1986 (2) SA 734 at 754 as authority to conclude that the High Court has inherent jurisdiction to grant a remedy that was not catered for in the National Credit Act.
- 6.12. In *Phaladi v Lamara & Another; Moshesha v Lamara & Others* (20480/2017; 20481/2017) [2018] ZAWCCHC1 (reported as 2018/3 SA 265 (WCC)) the court overruled the candidate's decisions in *Mokubung* and *Manamela*, levelling the following criticisms at the candidate's reliance on *Universal City Studios*:
- 6.12.1. It is only the regulation of court's own procedures and processes that was referred to in the *Universal City Studios* matter.

- 6.12.2. In the area of law regulated or determined by statute, a court is under a duty to interpret and apply legislative enactments in a matter that promotes the spirit, purport and objects of the Bill of Rights. However, in striving to do so, a court cannot in its construction of the legislation “*do violence*” to the language used by the legislature.
- 6.12.3. The court’s powers do not extend to improving legislation by providing measures or remedies that the statutory enactments do not afford, merely because the court considers it would be just and equitable that they should be afforded.
- 6.12.4. To purport to improvise legislation, would be in effect to assume a legislative function and thereby trench impermissibly on the domain of the legislative branch of Government.
- 6.12.5. Any contemplation of the width of the Superior Court’s powers that fails to acknowledge and respect the above limitations, is likely to lead to a fundamentally misconceived conception of the actual intent.
- 6.13. As further explained by the court in *Phaladi* (in footnote 6 to the judgment), the candidate omitted a word from the phrase quoted from *Universal Studios* that resulted in a “critical distortion” of the phrase’s actual import, and then relied on this distortion in order to justify the relief given.
- 6.14. The candidate’s *Mokubung* and *Manamela* judgments were also overruled by a Full Bench of the Gauteng Local Division in the matter of *Van Vuuren v Roets & Others* (37407/2018) [2019]

ZAGPHJC 286; 2019 (6) SA 506 (GJ), the Full Bench holding, with reference to the candidate's decisions, as follows:

- 6.15. “[44] From the traverse of the statute it is plain that the High Court cannot assert jurisdiction in the manner held by the decisions in the Gauteng Division in *Manamela v Hein du Plessis & Others* 2016/78244 (GJ); *Mokubung v Mamela Consulting & Others* 2016/87653 (GP); and *Magadze v ADCAP* 2016/57186 (GP). They are hereby overruled. The premise that resort could be had to the court's inherent jurisdiction, common to all these decisions, was inappropriate. Moreover, the notion that the courts could supply a remedy that was not to be found within the four corners of the NCA was misconceived.”
- 6.16. The candidate's “critical distortion” of the actual import of the principle in *Universal City Studios*, and the improper resort to the court's inherent jurisdiction, would indicate that:
- 6.16.1. The candidate does not have an intuitive sense for the limits of the court's inherent powers. Even if the candidate misapplied the principle from *Universal City Studios* because of an incorrect quote or submission made by counsel, one would expect an astute judge to immediately recognise that the reference cannot be correct.
- 6.16.2. There is an indication that the candidate would continue to be at risk of judicial overreach, and to breach the doctrine of separation of powers.
- 6.17. The candidate's judgment in the matter of *Pioneer Foods (Pty) Ltd v Eskom Holdings SOC Ltd & Others* (2018/16) [2020] ZAGPJHC

is currently the subject matter of an application for leave to appeal to the SCA, pursuant to the candidate refusing an application for leave to appeal. Given that the application for leave to appeal is pending, it would not be prudent to express any views in respect of the candidate's judgment.

7. The extent and breadth of the candidate's professional experience:

7.1. The candidate has extensive professional experience as a director of his own law firm, from 1 June 1985 to date. This was briefly interrupted over the period 1 January 2006 to 31 August 2017, when the candidate practised as a director at Moodie & Robertson Attorneys.

7.2. The candidate lists his litigation experience as follows:

7.2.1. Personal injury matters – 80%;

7.2.2. Criminal law – 10%;

7.2.3. Family law and other unspecified civil matters – 8%;

7.2.4. Administrative law – 1%;

7.2.5. Labour law – 1 %; and

7.2.6. Constitutional law – 0%.

7.3. The candidate records that he has not published any material either in the field of law, or outside thereof.

7.4. The candidate records that he occasionally appears in court, but that “very few cases” require his personal appearance given that almost all litigation work is assigned to younger attorneys and candidate

attorneys. It is not clear whether the candidate has personally appeared in the High Court.

7.5. None of the cases in which the candidate appeared as instructing attorney have been reported in the law reports.

7.6. Ideally, a wider range of experience would be desirable.

8. The candidate's linguistic and communication skills:

8.1. Some of the judgments reviewed contain leaps of logic that make the judgments difficult to follow.

8.2. Other than this, the candidate appears to have good linguistic and communication skills.

9. The candidate's ability to produce judgments promptly:

9.1. No concerns were noted in this regard.

10. The candidate's fairness and impartiality:

10.1. In the 2016 review pertaining to the candidate, it was noted that a number of complaints had been received from members of the JSA pertaining to the candidate:

10.1.1. descending into the arena; and

10.1.2. refusing to listen to argument or to be persuaded by judicial authority emanating from higher courts, including the Supreme Court of Appeal and the Constitutional Court.

10.2. This led the reviewers to conclude that the candidate, even as an acting judge, has a tendency not to act in a fair and impartial manner, and that permanent appointment is unlikely to dampen this tendency.

- 10.3. The JSA did not receive similar complaints when compiling this review.
- 10.4. With regard to the candidate's fairness to litigants, we do however wish to draw the attention of the JSC to the content of paragraph 15.4 below and to the critique levelled by the SCA against the candidate, following his treatment of the plaintiff in the *Naidoo* matter. Of crucial relevance is the statement by the SCA that there was an accurate submission by counsel that the plaintiff in that matter suffered "*tertiary victimisation*" at the hands of the trial court presided over by the candidate. This conduct transcends complaints based on the treatment of counsel, and is evidently of a serious nature.

11. The candidate's independent mindedness:

- 11.1. There is no indication that the candidate is not independently minded.

12. The candidate's ability to conduct court proceedings:

- 12.1. In the 2016 review compiled by the JSA in respect of the candidate, the reviewers recorded a number of reservations regarding the manner in which the candidate conducted court proceedings. Summarised, these were:

- 12.1.1. The candidate's apparent unwillingness to listen to argument in matters where he appeared to have already formed a view on the merits of the matter.
- 12.1.2. The candidate's conduct in a custody dispute, where the candidate suggested removing a child from its parents and

placing him or her in foster care when the candidate had not yet heard the merits of the application. It was also reported that the candidate stated in open court that he would maintain the status quo in the matter regarding the custody of the child as the child was “not dead yet.” These remarks were upsetting to the parents of the child. If true, these remarks are regrettable, unbecoming of a judicial officer, and insensitive to the parties concerned.

- 12.1.3. The candidate’s conduct in unopposed motion court where he is reported to have refused to follow binding judicial precedent, displayed a poor understanding of commercial matters, and on one occasion, declined to grant judgment but instead fashioned an order which was neither sought nor competent, save by agreement between the parties.
- 12.2. No additional reports of concerning objectionable conduct were submitted to the JSA when this review was compiled.
- 12.3. We are however of the view that the candidate’s conduct in *Naidoo*, as referred to by the SCA, warrants further enquiry by the JSC.

13. **The candidate’s administrative ability:**

- 13.1. The candidate has successfully conducted a firm of attorneys since 1985. This would suggest administrative skill.
- 13.2. He has also served as a member of a number of committees and as chair of at least one committee. This would also suggest administrative ability.

14. The candidate's reputation for integrity and ethical behaviour:

14.1. No adverse comments were received.

15. The candidate's judicial temperament:

15.1. We refer to what is set out in paragraphs 10 and 12 above.

15.2. In addition, the JSA's previous review submitted that judgments delivered by the candidate in *Eskom Holdings Ltd v Transdeco GTMH (Pty) Ltd and Another* [2014] ZAGPJHC 89 and *Madimabe v Transdeco GTMH (Pty) Ltd and Others* [2014] ZAGPJHC 96 both disclose matters of concern:

15.2.1. In both judgments the candidate expressly declined to follow a minority concurring judgment delivered by Harms and Grosskopf JJA in *Barlows Tractor Company (Pty) Ltd v Townsend* 1996 (2) SA 869 (SCA). The two judges of appeal that were in the minority dealt with an interpretation of statute issue that was not dealt with by the majority of the court. The minority relied on their interpretation as an additional reason for concurring with the majority. While the minority judgment of the Supreme Court of Appeal might not have been binding on the candidate, one would have expected a judge sitting in the High Court to advance strong and cogent reasons for declining to follow such authority. The candidate's reasons for departing from the relevant *dictum* were not detailed and were contained in a single paragraph of the relevant judgment.

15.2.2. Despite the fact that the opposition to the application in *Eskom Holdings* appears to have been taken, at least in part, on the

strength of the Supreme Court of Appeal *dictum* in *Barlows Tractor*, the candidate labelled the opposition “vexatious”. This was unwarranted in the circumstances.

- 15.2.3. The candidate denied leave to appeal in *Eskom Holdings* solely on the grounds that the candidate did not think that any other court would reach a different conclusion. Given that two Supreme Court of Appeal judges had reached a different conclusion and he had departed from them, it is unclear how the candidate could have reached the conclusion that he did, that no other court would find differently.
- 15.3. The above two cases were noted specifically for the concerning lack of thoroughness and open-mindedness in reasoning which they appear to indicate.
- 15.4. The most serious question concerning the candidate’s judicial temperament, emanates from the SCA. In deciding the appeal against the candidate’s decision in the *Naidoo* matter, the SCA made scathing remarks regarding the candidate’s conduct of the proceedings. It is submitted that these remarks warrant further scrutiny by the JSC. The remarks are quoted verbatim below:

“[50] Before concluding, it is unfortunately necessary to comment on what I consider to be the unacceptable manner in which the learned judge conducted the trial. There are several instances that demonstrably show the frequency with which the appellant’s legal representative was hampered in her presentation of the appellant’s case in the court below. On occasions too numerous to detail in this judgment, the legal representative was unduly denied the opportunity to

deal with critical issues pertinent to the appellant's case. The legal representative was, inter alia, precluded from eliciting evidence from the appellant concerning: (a) what her daughter and sister had told her even though the court below had been informed that they would be called as witnesses, as indeed they were; and (b) the things that the appellant had discussed with Perumal concerning her experiences with the police. The learned trial judge disallowed these and other related questions because he wrongly perceived that the evidence that the appellant sought to give would be hearsay and thus inadmissible.

[51] The disallowance of such evidence was a manifestation of the fundamental misconception on the part of the learned judge as to what constitutes hearsay evidence. He was seemingly oblivious to the existence of the Law of Evidence Amendment Act 45 of 1988 and even most significantly and troubling the import of s 3(1)(b) and s 3(3) thereof both of which provide for the provisional admission of hearsay evidence if the person upon whose credibility the probative value of such evidence depends, will testify at such proceedings. Thus the appellant ought to have been permitted to proffer such evidence and it was wrong of the learned judge to impose a blanket embargo, as he had done, on such evidence.

[52] Even more disconcerting were the numerous unwarranted interruptions by the learned judge when he wrongly prevented or restricted, at critical stages of the trial, the appellant's legal representative when she led or cross-

examined witnesses. To compound matters, some of the interventions bordered on discourtesy and cynicism towards the witnesses, and counsel were not spared either. In Distillers Korporasie (SA) Bpk v Kotze 1956 (1) SA 357 (A) at 361A-H this court considered the question whether disallowing legitimate questions sought to be put to a witness by cross-examining counsel is an irregularity. This court answered that question thus:

‘The first question to be considered was whether there had been an irregularity. The answer could not be in doubt. The disallowance of proper questions sought to be put to a witness by cross-examining counsel is an irregularity which entitles the party represented by the cross-examiner to relief from a Higher Court, unless that Court is satisfied that the irregularity did not prejudice him.’ (Citations omitted.)

Although these remarks were made in relation to cross-examination, by parity of reasoning, they apply with equal force to examination-in-chief.

[53] The impartial adjudication of disputes which come before the courts is the cornerstone of our legal and judicial system. This requires judicial officers to conduct trials in an open-minded and fair manner. It is equally vitally important that judicial officers be sensitive and compassionate to the plight of those who appear before them for the rule of law can only flourish if the citizenry’s confidence in the administration of justice is entrenched.

[54] The remarks of the Constitutional Court, although made in a different albeit related context, are apposite. The Constitutional Court said the following:

‘...Civility and courtesy should always prevail in our courts. Litigants should leave our courts with a sense that they were given a fair opportunity to present their case. This is crucial if public confidence in the judicial system is to be maintained...’

Regrettably, the learned judge in the court below was seemingly oblivious to these judicial injunctions. Accordingly, it was perfectly understandable when counsel for the amicus submitted that the appellant, who had suffered primary victimisation by her former husband and secondary victimisation by the police yet again bore the brunt of tertiary victimisation during the trial.”

16. The candidate’s commitment to human rights, and experience with regard to the values and needs of the community:

- 16.1. The candidate’s application does not allow us to draw any conclusions about his commitment to human rights and his experience with regard to the values and needs of the community.
- 16.2. The comments made by the SCA in *Naidoo*, quoted above, raise concerns in respect of this very issue.
- 16.3. The candidate’s conduct in the custody matter referred to in paragraph 12.1.2 above may also warrant further inquiry by the JSC.

17. The candidate's potential:

17.1. Given the lengthy period of time that the candidate has been in the legal profession, and the candidate's extensive experience as an acting judge, it is likely that the candidate's application displays his full legal development and potential.

18. The message that the candidate's appointment would send to the community at large:

18.1. There are significant indications, apparent from the candidate's own judgments and without taking account of the previous complaints concerning the candidate's temperament and conduct as an acting judge, that the candidate is not a suitable candidate for judicial appointment.

18.2. This view is confirmed by the severely critical comments made by the SCA in respect of the candidate's conduct in the *Naidoo* matter.

18.3. The fact that the plaintiff in the *Naidoo* matter was a victim of gender-based violence, who thereafter suffered tertiary victimisation during the trial of the matter, in our view counts particularly heavily against the candidate.

18.4. By contrast, there is nothing particularly commendable in the candidate's application or in the judgments reviewed which would counter-balance these negative attributes.

18.5. The message which the appointment of this candidate would send to the community, particularly the legal community, would regrettably be a negative one.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED**Reported decisions**

None noted

Unreported decisions

Kirsten Curtis Trust IT 318/91 and Others v Berkley Development (Pty) Ltd and Another (2013/ 14605) [2013] ZAGPJHC 172 (12 June 2013)

Carrim v Louw & Heyl Attorneys (2008 / 3831) [2013] ZAGPJHC 173 (17 July 2013)

Sharman and Another v Nzimande and Another (6548/2013) [2013] ZAGPJHC 175 (18 July 2013)

Ramokonopi v Road Accident Fund (2012/27618) [2013] ZAGPJHC 220 (5 September 2013)

Moller v Bera (26356/2011) [2013] ZAGPPHC 414 (13 November 2013)

Naidoo v Minister of Police and Others (unreported judgment of the South Gauteng High Court, case no. 15245/2012 handed down on 13 November 2013)

Buildline Projects (PTY) LTD v JR -Stocks- Madona - Kanonibo (A194.2013) [2013] ZAGPHC 339 (25 November 2013)

Buildline Projects (PTY) LTD v JR -Stocks- Madona - Kanonibo (A194.2013) [2013] ZAGPHC 330 (25 November 2013)

Buildline Projects (PTY) LTD v JR-Stocks-Madona-Kanonibo (A194/2013) [2013] ZAGPHC 329 (25 November 2013)

Buildline Projects (PTY) LTD v JR -Stocks- Madona - Kanonibo (A194.2013)
[2013] ZAGPHC 8 (25 November 2013)

Buildline Projects (PTY) LTD v JR-Stocks-Madona-Kanonibo (A194.2013)
[2013] ZAGPPHC 341 (25 November 2013)

Genesis Medical Scheme v Vuyani Ngalwana N.O., The Council for Medical Schemes and Annalise Du Toit (2639/2011) [2013] ZAGPHC 331; Pretorious C (27 November 2013)

Eskom Holdings Limited v Transdeco GTMH (Pty) Ltd and Another (16364/2013) [2014] ZAGPJHC 89 (7 March 2014)

Madimabe v Transdeco GTMH (Pty) Ltd and Others (11144/2013) [2014] ZAGPJHC 96 (1 April 2014)

Petlane Oils (Pty) Limited v Shell South Africa (Pty) Limited and Another (28016/2013) [2014] ZAGPJHC 98 (1 April 2014)

Petlane Oils (Pty) Limited v Shell South Africa (Pty) Limited and Another (28016/2013) [2014] ZAGPJHC 97 (1 April 2014)

Mpisi Trading 74 (Pty) Limited v Member of the Executive Council for Agriculture, Rural And Social Development and Another (43864/2012) [2014] ZAGPJHC 231 (27 June 2014)

Phakisaworld Fleet Solutions (Pty) Ltd v Mulalo Touring Services and Others (unreported judgment of the Gauteng Local Division of the High Court, case no. 2011/21217 handed down on 2 September 2014)

Siyathenga Properties One (Pty) Ltd v Net 1 Applied Technologies SA Ltd (2013/A5043) [2014] ZAGPJHC 234 (30 September 2014)

Sheriff of the High Court, Johannesburg East v Chetty and Others; In Re: Firstrand Bank Limited T/A FNB Home Loans (Formerly First National Bank of Southern Africa Limited) v Chetty and Another (2009/3673) [2014] ZAGPJHC 352 (27 March 2014)

Masindi v Road Accident Fund (21738/2014) [2015] ZAGPJHC 118 (12 June 2015)

Masindi v Road Accident Fund (21738/2014) [2015] ZAGPJHC 112 (12 June 2015)

Victor Manuel Rosa da Cruz v Fernando Dasilva Bernardo (2008/15636) [2015] ZAGPJHC (unreported)

Kruger v Sharpe (2009/012211) [2016] ZAGPJHC 161 (25 May 2016)

RFS Administrators (Pty) Ltd and Another v NFMW And Others (19948/16) [2016] ZAGPPHC 442 (30 May 2016)

RFS Administrators (Pty) Ltd and Another v NFMW And Others (19948/16) [2016] ZAGPPHC 441 (30 May 2016)

The Services Sector Education and Training Authority v Mtiya Dynamics (Pty) Ltd and others (2015/15369) [2016] ZAGPJHC (unreported)

BDM Staffing (Pty) Limited v M A Automotive Tool & Die (Pty) Limited (28811/2016) [2016] ZAGPPHC 643 (27 July 2016)

Olifant v S (A608/2015) [2016] ZAGPPHC 667 (29 July 2016)

Brown v Selane (68230/2014) [2016] ZAGPPHC 1194 (22 September 2016)

Ex Parte Matthew and Another (41680/2016) [2016] ZAGPPHC 882 (22 September 2016)

Sheriff of the High Court, Johannesburg East v Gudsoul Events and Projects (Pty) Ltd, In re: Firstrand Bank Limited v Thindisa (56924/2013) [2016] ZAGPPHC 1014 (30 October 2016)

The Sheriff of Vereeniging v Awe and Another, In re: Firstrand Bank Limited v Gaula (40609/2012) [2016] ZAGPPHC 1013 (30 October 2016)

Mthombeni v S (A752/2015) [2016] ZAGPPHC 1096 (4 November 2016) (Molefe J concurring)

Keweesa v S (A902/2015) [2016] ZAGPPHC 966 (4 November 2016) (Molefe J concurring)

Johannes Jacobus Swart t/a JJ and Company, Building & Structural Steel Contractors v LEB Construction CC and Others (33552/2015) [2017] ZAGPPHC 933 (14 June 2017)

Mokubung v Mamela Consulting and Others (87653/2016) [2017] ZAGPPHC 462 (14 June 2017)

Investec Bank Limited v Van Heerden and Others (17890/2010) [2017] ZAGPPHC 288 (14 June 2017)

Manamela v Du Plessis t/a Debt Safe and Others (78244/2016) [2017] ZAGPPHC 289 (21 June 2017)

Nedbank Limited v Nkosi (18884/2014) [2017] ZAGPPHC 900 (6 December 2017)

G v G (50192/15) [2017] ZAGPPHC 893 (6 December 2017)

M v M (16840/2015) [2017] ZAGPPHC 944 (15 December 2017)

Mokoena v Passenger Rail Agency of South Africa (14289/14) [2019] ZAGPJHC 548 (20 September 2019)

Khan and Another v Road Accident Fund (28109/2015) [2019] ZAGPJHC 549 (20 September 2019)

South African Legal Practice Council v Henley Mphamba (50320/19) [2020] ZAGPPHC

Vilane v S (A230/2019) [2020] ZAGPPHC 681 (28 May 2020) (Collis J concurring)

Jurgens Campworld (Pty) Ltd v Prestige Campworld (Pty) Ltd (6811/2020) [2020] ZAGPPHC 659 (5 June 2020)

Safta Properties (Pty) Ltd and Others v Vukani Aviation (Pty) Ltd and Others (34072/19) [2020] ZAGPPHC 667 (17 June 2020)

Zwane v S (A203/19) [2020] ZAGPPHC 344 (31 July 2020) (Concurring in the judgment of Collis J)

Pioneer Foods (Pty) Limited v Eskom Holdings SOC Limited and Others (2018/16) [2020] ZAGPJHC 248 (12 October 2020)

Judgments upheld on appeal

Kganyago and Another v Unlawful Occupiers of ERF [2...] [V...] (unreported judgment of the Gauteng High Court, further details unknown) appeal dismissed by a full bench in *Unlawful Occupiers of ERF [2...] [V...] v Kganyago and Another* (A5016/2014) [2016] ZAGPJHC 46 (31 March 2016)

Judgments overturned on appeal

Absa Bank Limited v Centurion Bus Manufacturers (unreported judgment of the Gauteng High Court, further details unknown) appeal upheld by a full bench in *Absa Bank Limited v Centurion Bus Manufacturers (Pty) Ltd* (A46/2018) [2021] ZAGPPHC 48 (5 February 2021)

Naidoo v Minister of Police and Others (unreported judgment of the South Gauteng High Court, case no. 15245/2012 handed down on 13 November 2013) appeal upheld in *Naidoo v Minister of Police* (20431/2014) [2015] ZASCA 152; [2015] 4 All SA 609 (SCA); 2016 (1) SACR 468 (SCA) (2 October 2015)

Judgments in which candidate's judgments were overruled

Phaladi v Lamara & Another; Moshesha v Lamara & Others (2048/2017; 20481/2017) [2017] [2018] ZAWCHC 1; 2018 (3) SA 265 (WCC) (1 June 2018)

Van Vuuren v Roets & Others (37407/2018) [2019] ZAGPJHC 286; [2019] 4 All SA 583 (GJ); 2019 (6) SA 605 (GJ) (3 September 2019)