

JSC INTERVIEW ROUND: OCTOBER 2023

CANDIDATE: JUDGE JOHANNES PETRUS DAFFUE

COURT FOR WHICH CANDIDATE APPLIES: SUPREME COURT OF APPEAL

1. The candidate's tertiary qualifications, professional admissions, honours, and permanent judicial appointments:

1.1 The candidate is appropriately qualified.

1.2 The candidate holds the following qualifications:

1.2.1 B.Proc (University of the Free State) – 1979;

1.2.2 LLB (UNISA) – 1981;

1.2.3 LLM (UNISA) – Tax, Company and Insolvency Law – 1998;
and

1.2.4 MBA (Buckinghamshire–Chilterns University College, with
dissertation on Mergers and Acquisitions) – 2002.

1.3 The candidate's professional admissions and honours:

1.3.1 attorney (1980);

1.3.2 advocate (1989); and

1.3.3 senior counsel (2009).

1.4 The candidate was permanently appointed as a judge of the High Court (to the Free State Division) on 1 January 2012.

2. The candidate's integrity and ethics:

2.1 No circumstances are known that would suggest that the candidate is not a person of integrity with a reputation for ethical behaviour, or that he is not a fit and proper person for appointment.

3. Whether the candidate's appointment would help to achieve an appropriate racial and gender composition on the bench:

3.1 There are currently 22 judges permanently appointed to the SCA. Based on the names listed on the SCA website, the SCA's racial and gender composition appears to be:

3.1.1 10 black women (7 African, 1 Indian, 2 coloured);

3.1.2 2 white women;

3.1.3 7 black men (5 African, 1 Indian, 1 coloured); and

3.1.4 3 white men.

3.2 The candidate is a white man.

4. The maximum time period the candidate could serve if appointed:

4.1 Section 176(2) of the Constitution provides that all judges other than Constitutional Court judges "*hold office until they are discharged from active service in terms of an Act of Parliament.*" The Act in question is the Judges Remuneration and Conditions of Employment Act 47 of 2001.

4.2 Section 3(2)(a) of the Act provides that, subject to section 4(4), a judge will ordinarily be discharged from active service upon reaching the age of 70 if, by that date, they have completed a period

of active service of not less than ten years. If not, they will be discharged from active service after having completed ten years of active service.

4.3 Section 4(4) allows for a judge who reaches the age of 70 to continue serving until the age of 75 if, at the time of turning 70, they have not yet served 15 years' active service.

4.4 The candidate was appointed as a judge on 1 January 2012. He will turn 70 on 25 June 2027, at which point he will have served as a judge for more than 15 years.

4.5 If appointed, the candidate could serve a further three and a half years.

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

5.1 The candidate has shown commitment to the values of the constitution in both his professional career as well as his personal life.

5.2 The candidate has actively recruited black attorneys and students to consider the career of advocate.

5.3 The candidate was actively involved in the "buddy" system of the Free State Society of Advocates which had as its objective the promotion and exposure of black and women advocates.

5.4 The candidate was active in pursuing transformation in the areas where he played a role such as when he was a member of the Free State Bar's Bar Council and when he was the Chairperson of the Council.

- 5.5 The candidate extended his personal time in pursuance of matters where the interests of women and children could be advanced such as being involved in the Kidz Care Trust and a member of the South African Chapters of the International Association of Women Judges.
- 5.6 The candidate mentored numerous black and women advocates during his time in practice and his commitment to the field of training of persons in the legal fraternity, including students, pupil advocates, junior advocates, and attorneys further shows his commitment to share skills and his knowledge of the law and the Constitution willingly and in a transformative manner.
- 5.7 The candidate's commitment to the values of the Constitution is also manifest in his judgments, in which his commitment to protect the interests of the most vulnerable groups in our society, being women and children, is undeniable. There are many examples, one such judgment being *ENGO and Others v Premier of the Free State Province and Others* (1381/2019) [2020] ZAFSHC 163 (21 May 2020).
- 5.8 In the *ENGO* matter, the candidate had to balance the interests of the most vulnerable people in our society against the effect granting a judgment against the Free State province would have, considering it was apparently in serious and dire financial straits and the payment of the judgment might have a negative impact on service delivery in other sectors within the province. This had to be considered against the backdrop of the disastrous economic consequences which had befallen the country in all spheres, i.e. the public and private sectors as a result of the national lockdown due to the COVID-19 pandemic.

6. **The candidate's knowledge of the law, including constitutional law:**
- 6.1 The candidate's knowledge of the law is outstanding.
- 6.2 The candidate has made a marked contribution to South Africa's jurisprudence.
- 6.3 The candidate's academic qualifications, his legal practice between February 1980 and January 2012 (some 32 years), his service as a judge for the last 11 years, and being invited to act in the SCA for 6 months, attest to the candidate's knowledge of the law and his acumen. This is further shown by his numerous reported and unreported judgments.
- 6.4 The candidate's judgments cover the full spectrum of all areas of the law.
- 6.5 The candidate is a co-author of the practical and well-known work, Corbett and Honey's *The Quantum of Damages in Bodily and Fatal Injury Cases*, Volumes V – VIII.
- 6.6 The candidate's knowledge of constitutional law appears clearly from his judgments. The *ENGO* judgment referred to above is but one of the judgments illustrating the candidate's knowledge of the law in general and constitutional law in particular.
- 6.7 In *Minister of Higher Education and Training and Others v Mthembu and Others; Council of Central University of the Free State and Others; Council of Central University of the Free State v Minister of Higher Education and Training and Others* 2776/2012 & 2786/2012 [2012] ZAFSHC 144 (13 August 2013) the candidate held that the jurisdictional requirements of section 41A of the Higher

Education Act had not been met, and as a result, the decision of the Minister of Higher Education and Training to appoint an administrator was set aside. An amendment of the Act followed the judgment.

6.8 In *S v Sekoere* 2013 (2) SACR 426 (FB), the candidate held that where a child has been sentenced to imprisonment, not wholly suspended, section 85 of the Child Justice Act prescribes that the sentence is subject to review by a judge of the High Court in terms of section 304 of the Criminal Procedure Act, whether or not the child was represented by a legal practitioner or not.

6.9 Over and above the candidate's outstanding knowledge of the law, he has expertise in insolvency law, including business rescue proceedings. Notable judgments include: *Ex parte Snooke* 2014 (5) SA 426 (FB); *Absa Bank Ltd v Caine NO* [2014] ZAFSHC 46; *Knipe and Others v Kameelhoek (Pty) Ltd and Another* 2014 (1) SA 52 (FB) and *Botha v Botha* 4457/2016 [2016] ZASFHC 194 (17 November 2016).

7. **Judgments of the candidate that have been overturned, upheld or commented on, on appeal:**

7.1 The candidate's findings in the unreported judgment in *Absa Bank Ltd v Caine NO* [2014] ZAFSHC 46, paras 24 – 26 was held by the SCA in *Panamo Prop (Pty) Ltd v Nel NNO* 2015 (5) SA 63 (SCA) paras 18 and 19 to be undoubtedly correct and was also referred to by the Supreme Court of Appeal in *African Banking Corporation of Botswana Ltd v Kariba Furniture Manufacturers (Pty) Ltd and Others* 2015 (5) SA 192 (SCA) at para 44.

- 7.2 The Supreme Court of Appeal approved para 15 of the candidate's judgment in *Herman and Another v Set-Mak Civils CC* 2013 (1) SA 386 (FB) in *Thunder Cats Investments 92 (Pty) Ltd and Another v Nkonjane Economic Prospecting & Investment (Pty) Ltd and Others* 2014 (5) SA 1 (SCA).
- 7.3 A notable case where the candidate's judgment was upheld by the majority of the Supreme Court of Appeal is the matter of *Lawrence v Magistrate's Commission and Others* 2020 (2) SA 526 (FB), which related to the consideration of appointment criteria for magistrates. The SCA's judgment is reported as *Magistrates Commission and Others v Lawrence* 2022 (4) SA 107 (SCA).
- 7.4 *Oosthuizen v Castro and Another* 2018 (2) SA 529 (FB) is a matter in which the candidate's judgment relating to the interpretation of clauses in insurance contracts was upheld by the SCA in *Centriq Insurance Company Limited v Oosthuizen* 2019(3) SA 387 (SCA). The SCA confirmed that the candidate was correct in finding that a financial advisor was in breach of fiduciary duties owed towards a client in circumstances where the advisor failed adequately to take steps to ascertain the risks or safety in making a certain investment.
- 7.5 The candidate's judgment in *Wilke N.O. v Griekwaland Wes Korporatief Ltd* (592/2019) [2019] ZAFSHC 214 was upheld on appeal to the SCA in the matter of *Wilke N.O. v Griekwaland Wes Korporatief Ltd* [2020] ZASCA 182.
- 7.6 The majority of the SCA dismissed an appeal against a judgment of the candidate in the judgment of *HAL obo MML v MEC for Health, Free State (Case no 1021/2019) [2021] ZASCA 149 (22 October*

2021). The candidate’s finding relating to the reliability of a witness was commented on:

“[73] In the present case, the high court’s conclusion that the appellant was not a reliable witness given the inconsistencies and contradictions in her version of events, was undoubtedly correct. This had a devastating impact on the opinions of Prof Solomons, Dr Hofmeyr and Prof Nolte, upon which appellant’s case rested [...].”

7.7 In *S v Msimango and Others*, unreported under case number 100/2008, the Constitutional Court refused to grant leave to appeal against the judgment of the candidate in the matter of *S v Ramabele* 2020 (2) SACR 604 (CC) on the grounds of alleged bias. The Constitutional Court, commented as follows:

“[53] In fairness to the trial Judge, he was pushed to the limit by the accused, who kept requesting postponements and insisting on having a legal representative of their choice despite the fact that they lacked funds and had been provided with State appointed counsel. I am satisfied that the trial Judge was not biased against the accused nor was his conduct of the proceedings such as to provoke a suspicion of bias. The High Court demonstrated an ability to conduct an objective analysis based on the facts. The High Court did not readily accept the evidence of the State at face value but evaluated it. This is evident from the judgment, and at the end the trial Judge acquitted the applicants on some of the charges.”

Judgments overturned:

- 7.8 In *Matjhabeng Municipality v Eskom* 2018 (1) SA 1 (CC), the Constitutional Court overturned a judgment of the candidate which held the municipal manager of the Matjhabeng Local Municipality to be in contempt of a court order. The Constitutional Court held that the procedure followed by the court deprived the municipal manager of the right to procedural fairness in terms of s 35(3) of the Constitution on the basis that no case for wilfulness and mala fides on the part of the municipal manager had been made.
- 7.9 The SCA upheld an appeal against a judgment of the candidate in *Loggenberg NO v Maree NP* 2018 ZASCA 24 (23 March 2018) in which the SCA ultimately rejected the candidate's finding that the terms of an oral agreement were pleaded so vaguely that no evidence could resolve the uncertainties.
- 7.10 The full bench of the Free State High Court upheld an appeal against a judgment of the candidate in *Chauke v the Road Accident Fund* 2023 ZAFSHC 214 (31 May 2023).
- 7.11 In *MEC: Police, Roads and Transport v Roberts* 2020 (3) SA 478 (FB), the candidate's judgment was overturned by the full bench of the Free State High Court. The appeal court held that the candidate ought not to have taken judicial notice of the behaviour of kudu when frightened and that the candidate should have given the parties an opportunity to address the court on this issue.
- 7.12 The following judgments of the candidate were overturned on appeal but the appeal judgments have not been recorded on any electronic data base, and could thus not be reviewed:

- 7.12.1 *Retmil Financial Services (Pty) Ltd v Mangaung Metropolitan Municipality & Another* (Unreported judgment of the full court);
- 7.12.2 *De Villiers v S* (Unreported judgment of the SCA);
- 7.12.3 *Mogoera v Bosaletse and Others*, appeal to the full court with leave of the SCA after the application for leave was dismissed (unreported judgment of the full court). On appeal the full court held the respondents' version should have been rejected on the papers. The SCA subsequently refused to grant the respondent special leave to appeal against the full court judgment.
- 7.13 None of the judgments that the candidate penned during his time at the SCA has been overturned, as far as could be established.

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

- 8.1 The candidate practised law as an attorney and advocate from February 1980 to January 2012.
- 8.2 He practised as senior counsel from 22 April 2009 to January 2012.
- 8.3 He has been a judge from 1 January 2012 to date.
- 8.4 The SAFLII website shows 345 judgments produced by the candidate since 2012. That amounts to an average of 31.3 a year, and 2.6 per month.
- 8.5 As a co-author of one of the most often-used academic authorities on the determination of quantum, this candidate's professional experience cannot be doubted.

8.6 The candidate's continued involvement in training and teaching, either sitting as a moot court or lecturing students, evidences the acknowledgement that he receives from peers in the legal fraternity.

8.7 No reasons exist to doubt that the candidate is adequately experienced for appointment to the position for which he applied.

9. The candidate's linguistic and communication skills:

9.1 The candidate writes clear, concise, and well-reasoned judgments.

9.2 The candidate has the ability to identify the crux of a matter and to distil complex legal issues into simple terms.

9.3 The candidate is known for paying attention to all factual details to produce thoroughly reasoned judgments. Having read a judgment penned by the candidate, a practitioner and lay client knows exactly why and on which basis a case has been decided.

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

10.1 The candidate prefers to give written judgments wherein his reasoning is contained. The number of judgments that the candidate has produced could not be verified by means of SAFLII. It can be safely stated that the candidate has penned over 250 judgments. The candidate produces well-reasoned, thorough judgments promptly.

10.2 The two judgments of the SCA penned by the candidate (*The Compensation Commissioner v Compensation Solutions* [2022] ZASCA 165 (29 November 2022) and *Legal Practitioners' Fidelity Fund v Guilherme* [2023] ZASCA 96 (13 June 2023)), were both delivered within two months.

10.3 The candidate is known amongst practitioners to deliver his judgments promptly, often within one to two weeks but definitely within a month or two of the date a matter has been argued, notwithstanding his workload. A random search among unreported judgments by the candidate on SAFLII has shown that judgments by the candidate are delivered within a one- to two-month period from date of argument or completion of the trial.

11. The candidate's ability to conduct court proceedings, fairly, efficiently and effectively:

11.1 The candidate is known amongst Free State practitioners to be an energetic, diligent judge. The candidate is punctual and keen to get ahead with court proceedings.

11.2 Trials and opposed motions before the candidate run smoothly and effectively as he is keen on finishing matters.

11.3 The fact that the candidate is always prepared ensures proceedings are completed swiftly. Where appropriate, the candidate will refer practitioners to the issues on which he requires clarification and actively participates in hearings. This affords practitioners the opportunity to address issues of concern to the candidate.

11.4 The candidate is well known for his diligence, work ethic, and thorough preparation before hearing matters.

11.5 The candidate expects practitioners to be properly prepared when they appear.

11.6 The candidate affords practitioners and lay litigants a fair opportunity to present their cases and alerts them to issues that need to be addressed.

11.7 The candidate is well known for his effective case management. The candidate is thoroughly and well versed with every case file serving before him during Rule 37(8) pre-trial appearances, keeps meticulous minutes of the pre-trial appearance, and diarises matters where parties must comply with directives to ensure proper and effective case management.

12. The candidate's independent mindedness:

12.1 The candidate's independent mindedness and thoroughness can be gleaned from *MBD Securitization v Boo* 2015 (5) SA 450 FB at paras 46 to 49. This matter was an appeal against a rescission of judgment granted in August 2014 by the Henneman Magistrates' Court. It did not escape the candidate that the indigent respondent was tricked into consenting to the jurisdiction of a court in another province and about 800 kilometres from her home, and that the appellant, being a Johannesburg-based company was represented by a Nelspruit attorney. The candidate remarked as follows:

“Instead of suing summons in Alice, where Respondent works and resides, or where the whole cause of action had arisen, if that could be established, Plaintiff, a Johannesburg company instructed a Nelspruit attorney some 400 kilometres away, elected to approach the Hennenman Magistrate's Court for judgment based on a dubious procedure. The Hennenman Court is some 600 kilometres away from Nelspruit ...”

12.2 The candidate consequently regarded it in the interests of justice that copies of the judgment be sent to the Law Society of the Northern Province, the Minister of Justice, and the National Credit Regulator for their attention and investigation.

13. The candidate's administrative ability (other than in relation to court proceedings):

13.1 The candidate's administrative ability is shown by the fact that he has been a member of the Bar Council of the Free State Society of Advocates from 2003 to 2011 and that he also served as chairperson of that society from April 2010 to November 2011 (just before his elevation to the bench). He also served as chairperson of the pupillage committee of that society and the coordinator of training of pupils, which requires good administrative ability.

13.2 The candidate has served as Deputy Judge President of the Free State Division for more than three terms.

13.3 The candidate has made numerous suggestions from the bench to suggest better and improved manners of filing or binding of records, all in an attempt to achieve a better and smoother experience in court, with records which are properly bound and more easily accessible than what the prescribed rules determine.

13.4 The candidate's administrative capabilities are beyond reproach.

14. The message that the candidate's appointment would send to the public at large:

14.1 The candidate's appointment will supplement the SCA's expertise in insolvency law, especially sequestrations, liquidations and

business rescue proceedings, which is a field of expertise of the candidate.

14.2 His appointment would show that diligence, energy, vigour, and drive are valued attributes in the law.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED1. Reported Judgments:

- 1.1 *Magistrates Commission v Lawrence* 2022 (4) SA 107 SCA
- 1.2 *S v Roberto and Another* 2022 (2) SACR 442 (FB)
- 1.3 *S v White* 2022 (2) SACR 511 (FB)
- 1.4 *Matjhabeng Local Municipality v McDonald* 2021 (5) SA 254 FB
- 1.5 *S v Nkhahle* 2021 (1) SACR 336 FB
- 1.6 *Lawrence v Magistrates Commission* 2020 (2) SA 526 FB
- 1.7 *Du Plessis NO and Others v Van Niekerk and Others* 2018 (6) SA 131 (FB)
- 1.8 *Oosthuizen v Castro* 2018 (2) SA 529 FB
- 1.9 *S v Frederiksen* 2018 (1) SACR 29 FB
- 1.10 *Matjhabeng Municipality v Eskom* 2018 (1) SA 1 CC
- 1.11 *Du Toit obo Dikeni v Road Accident Fund* 2016 (1) SA 367 (FB)
- 1.12 *MBD Securitization v Booii* 2015 (5) SA 450 FB
- 1.13 *Ex parte Snooke* 2014 (5) SA 426 (FB)
- 1.14 *Knipe and Others v Kameelhoek (Pty) Ltd and Another* 2014 (1) SA 52 (FB)
- 1.15 *Herman and Another v Set-Mak Civils CC* 2013 (1) SA 386 (FB)
- 1.16 *S v Sekoere* 2013 (2) SACR 426 (FB)

2. Unreported Judgments

- 2.1 *Ex parte: Cloete* (1097/2013) [2013] ZAFSHC 45 (5 April 2013)
- 2.2 *Minister of Higher Education and Training and Others v Mthembu and Others; Council of Central University of the Free State and Others; Council of Central University of the Free State v Minister of Higher Education and Training and Others* 2776/2012 & 2786/2012 [2012] ZAFSHC 144 (13 August 2013)
- 2.3 *Iliad Africa Trading (Pty) Ltd t/a Builders Market, Welkom v Boshoff, Boshoff v Iliad Africa Trading (Pty) Ltd t/a Builders Market, Welkom* (A59/2013, 1140/2011) [2013] ZAFSHC 169 (26 September 2013)
- 2.4 *Pearl Construction (Pty) Ltd v Seabo Construction, Plumbing And Business Ventures CC* (1597/2013) [2013] ZAFSHC 206 (19 November 2013)
- 2.5 *Absa Bank Ltd v Caine NO* [2014] ZAFSHC 46
- 2.6 *Main Street 421 (Pty) Ltd v Goldfields Development (Pty) Ltd* (A187/2013) [2014] ZAFSHC 21 (27 February 2014)
- 2.7 *Mogoera v Bosaalelse and Others* (3222/2013) [2015] ZAFSHC 132 (26 June 2015)
- 2.8 *Nazo v Free State Gambling & Liquor Authority and Another; In re: Jacobs v Free State Gambling & Liquor Authority and Another* (2386/2015) [2015] ZAFSHC 227 (19 November 2015)
- 2.9 *Tyjaderlin Properties CC v Malan and Another* (1487/2015) [2016] ZAFSHC 5 (22 January 2016)

- 2.10 *Noordman N.O. and Another v Bruin* (3635/2013) [2016] ZAFSHC 9 (29 January 2016)
- 2.11 *Standard Bank of South Africa Ltd v Mokoena* (A59/2015) [2016] ZAFSHC 69 (12 May 2016)
- 2.12 *Law Society of the Free State v Majola* (4776/2015) [2016] ZAFSHC 145 (12 August 2016)
- 2.13 *Q CIVILS (Pty)Ltd v Mangaung Metropolitan Municipality and Others* (A48/2016) [2016] ZAFSHC 159 (8 September 2016)
- 2.14 *Buttertum Property Letting (Pty) Ltd v Dihlabeng Local Municipality* (A260/2015) [2016] ZAFSHC 157; [2016] 4 All SA 895 (FB) (22 September 2016)
- 2.15 *Potgieter v Lingenfelder* (A204/2014) [2016] ZAFSHC 197 (24 November 2016)
- 2.16 *Botha v Botha* 4457/2016 [2016] ZASFHC 194 (17 November 2016)
- 2.17 *MEC for Public Works and Infrastructure, Free State Provincial Government v Mofomo Construction CC* (A138/2016) [2016] ZAFSHC 196 (24 November 2016)
- 2.18 *Bell v Bruwer N.O. and Others* (971/2016) [2016] ZAFSHC 212 (15 December 2016)
- 2.19 *Shannon v Masilonyana Local Municipality* (5745/2015) [2017] ZAFSHC 149 (7 September 2017)
- 2.20 *Van Ghent v Road Accident Fund* (1194/2016) [2017] ZAFSHC 187 (17 November 2017)

- 2.21 *Kgantsi v Bloem Water* (2641/2017) [2018] ZAFSHC 19 (8 March 2018)
- 2.22 *Vermeulen N.O. v Rammile and Others* (A260/2017) [2018] ZAFSHC 59 (10 May 2018)
- 2.23 *Ex parte: National Director of Public Prosecutions* (1540/2018) [2018] ZAFSHC 100 (12 June 2018)
- 2.24 *Eksteen v Van der Merwe* (2710/2018) [2018] ZAFSHC 131 (2 August 2018)
- 2.25 *EL v IL and Another* (3216/2018) [2018] ZAFSHC 166 (25 October 2018)
- 2.26 *Absa Bank Ltd v Trotskie NO and Others* (1940/2018) [2018] ZAFSHC 183 (29 November 2018)
- 2.27 *H S v J S* (1025/2016) [2019] ZAFSHC 2 (7 March 2019)
- 2.28 *Leanya v The Regional Magistrate, Bloemfontein and Another* (A205/2017) [2019] ZAFSHC 34 (13 May 2019)
- 2.29 *Shaman Filling Station CC t/a Total Orangesig and Another v Garagesure Consultants and Acceptances (Pty) Ltd* (A268/2018) [2019] ZAFSHC 60 (30 May 2019)
- 2.30 *Wilke v Griekwaland Wes Korporatief Limited* [2019] ZAFSHC 84 (20 June 2019)
- 2.31 *McEwan v Road Accident Fund* (5181/2014) [2019] ZAFSHC 79 (20 June 2019)

- 2.32 *Wilke N.O and Others v Griekwaland Wes Korporatief Ltd* (592/2019) [2019] ZAFSHC 84 (20 June 2019)
- 2.33 *Van Deventer v Botha* (1523/2014) [2019] ZAFSHC 110 (4 July 2019)
- 2.34 *Municipal Workers Retirement Fund v Kopanong Local Municipality* (A67/2019) [2019] ZAFSHC 159 (19 September 2019)
- 2.35 *ENGO and Others v Premier of the Free State Province and Others* (1381/2019) [2020] ZAFSHC 163 (21 May 2020).
- 2.36 *Le Roux v Visser* (5694/2019) [2020] ZAFSHC 127 (30 July 2020)
- 2.37 *Mayula Procurement and Property Management (Pty) Ltd and Another v Kopane and Another* (A221/2019) [2020] ZAFSHC 133 (17 August 2020)
- 2.38 *H M v A M* (2708/2020) [2020] ZAFSHC 162 (10 September 2020)
- 2.39 *Firststrand Bank Limited v Oosthuizen* (1864/2020) [2020] ZAFSHC 258 (12 November 2020)
- 2.40 *P.S.D v C.G.V and Others* (4120/2020) [2021] ZAFSHC 25 (22 January 2021)
- 2.41 *J.R.K v H.E.K* (4711/2020) [2021] ZAFSHC 13 (3 February 2021)
- 2.42 *Moloi v Minister of Police and Another* (2000/2020) [2021] ZAFSHC 100 (22 April 2021)
- 2.43 *Goodison Molefe v Leslie Christo Victor* (470/2020) [2021] ZAFSHC 114 (23 April 2021)

- 2.44 *Defensor Electronic Security v Centlec* [2021] ZAFSHC 315 (3 December 2021)
- 2.45 *Brink v Dell and Another* (3898/2021) [2022] ZAFSHC 41 (7 March 2022)
- 2.46 *Oosthuizen v Terblanche* (A84/2021, A85/2021, A86/2021) [2022] ZAFSHC 81 (24 March 2022)
- 2.47 *Marais v Westline Aviation (Pty) Ltd and Others* (1193/2021) [2022] ZAFSHC 144 (30 May 2022)
- 2.48 *Roadmac Surfacing (PTY) Ltd v MEC for the Department of Police, Roads & Transport, Free State Province & Another* (171/2022) [2022] ZAFSHC 101 (2 June 2022)
- 2.49 *The Compensation Commissioner v Compensation Solutions (Pty) Ltd* [2022] ZASCA 165 (29 November 2022)
- 2.50 *Legal Practitioners' Fidelity Fund v Guilherme* [2023] ZASCA 96 (13 June 2023)

3. Judgments upheld on appeal:

- 3.1 *Lawrence v Magistrates Commission* 2020 (2) SA 526 FB, upheld in *Magistrates Commission v Lawrence* 2022 (4) SA 107 (SCA)
- 3.2 *Oosthuizen v Castro and Another* 2018 (2) SA 529 (FB) upheld by the majority of the SCA in *Magistrates Commission and Others v Lawrence* 2022 (4) SA 107 (SCA)
- 3.3 *Wilke N.O. v Griekwaland Wes Korporatief Ltd* (592/2019) [2019] ZAFSHC 214 upheld on appeal to the SCA in *Wilke N.O. v Griekwaland Wes Korporatief Ltd* [2020] ZASCA 182

- 3.4 Appeal against *HAL obo MML v MEC for Health, Free State* (Case no 1021/2019) [2021] ZASCA 149 (22 October 2021) dismissed by the majority of the SCA
4. Judgments where Constitutional Court refused to grant leave to appeal:
- 4.1 *S v Msimango and Others*, unreported under case number 100/2008, the Constitutional Court refused to grant leave to appeal against the judgment in *S v Ramabele* 2020 (2) SACR 604 (CC)
5. Judgments overturned on appeal:
- 5.1 *Matjhabeng Local Municipality v Eskom Holdings Ltd* [2015] ZAFSHC 30 (19 February 2015), overturned in *Matjhabeng Municipality v Eskom Holdings* 2018 (1) SA 1 (CC)
- 5.2 *Loggenberg NO v Maree NP* 2018 ZASCA 24 (23 March 2018)
- 5.3 *Chauke v the Road Accident Fund* 2023 ZAFSHC 214 (31 May 2023)
- 5.4 *MEC: Police, Roads and Transport v Roberts* 2020 (3) SA 478 (FB)
- 5.5 *Director of Public Prosecutions, Northern Cape v Brooks and Others* (505/10) [2020] ZASCA 80 (20 July 2020)
6. Judgments overturned but not available on any electronic database:
- 6.1 *Retmil Financial Services (Pty) Ltd v Mangaung Metropolitan Municipality & Another* (Unreported judgment of the full court)
- 6.2 *De Villiers v S* (Unreported judgment from the SCA)
- 6.3 *Mogoera v Bosaletse and Others*