

JSC INTERVIEW ROUND: OCTOBER 2024

VACANCY: JUDGE SUPREME COURT OF APPEAL

JUDGE PHILLIP COPPIN

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

1.1. The candidate holds the following tertiary qualifications:

1.1.1. BA, University of the Witwatersrand (1982)

1.1.2. LLB, University of the Witwatersrand (1984).

1.2. The candidate holds the following professional admissions and honours:

1.2.1. admitted as an advocate in 1985

1.2.2. conferred Senior Counsel status in 2005.

1.3. The candidate was permanently appointed to the following judicial roles:

1.3.1. Judge of the High Court (Gauteng Local Division) on 1 February 2010

1.3.2. Judge of the Labour Appeal Court on 29 May 2014 (until 31 May 2024)

1.3.3. Judge of the Equality Court (Gauteng Local Division) on 29 July 2014.

2. The candidate's integrity and ethics

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

3. The racial and gender composition on the bench

3.1. There are currently 23 permanent judges on the Supreme Court of Appeal bench, comprising:

3.1.1. 10 black women (8 African, 1 Coloured, 1 Indian)

3.1.2. 7 black men (4 African, 2 Coloured, 1 Indian)

3.1.3. 3 white women, and

3.1.4. 3 white men.

3.2. According to the questionnaire, the candidate is a Coloured man.

4. The maximum period the candidate could serve if appointed

4.1. At the time of the interviews, the candidate will be approximately 62 years and 10 months old and will have completed a period of approximately 14 years and 8 months of active service.

4.2. If appointed, the candidate would be eligible to complete a period of approximately 7 years and 1 month's active service as a judge of the Supreme Court of Appeal.

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

5.1. Whilst the candidate's questionnaire records his membership of a number of community organisations, it does not provide the reviewers with any information to assess the candidate's personal commitment to the Constitution through his membership.

5.2. The candidate has given lectures to aspirant judges in 2018 (on the management of the motion court) and to aspirant women judges in 2020 (on opposed restraint of trade applications).

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

6.1. The candidate has been a judge for over 14 years and a judge of the Labour Appeal Court for 10 years. Prior to that, the candidate practised as an advocate of the Johannesburg Bar for 25 years, 5 of which as Senior Counsel.

6.2. The candidate has extensive experience across many fields of law, and his judgments reveal a thorough understanding of the law.

6.3. Although the candidate has particular experience in labour law and has numerous judgments in this area of law, his expertise extends more broadly, as is apparent from the cases that the candidate records as his most significant.

6.4. Examples of the candidate's knowledge of constitutional, criminal, administrative, and commercial law are demonstrated in the following judgments:

6.4.1. In *Imperial Group Ltd v Airports Company South Africa SOC Ltd and Others* [2018] 3 All SA 751 (GJ), the candidate showed an understanding of the interplay between section 217 of the Constitution, the Promotion of Administrative Justice Act 3 of 2000 (PAJA), and the principle of legality. The

candidate upheld a review by Imperial against the publication of terms of reference issued by Airports Company South Africa (ACSA) relating to car rental opportunities at its airports. One of the central issues in dispute was whether the review (of the publication of terms of reference as opposed to ACSA's final bid decision) was premature. The candidate found that the impact of ACSA's decision to publish the terms of reference excluded Imperial from the bid process. Consequently, the candidate found that this decision had a direct, external effect on Imperial. The publication of the terms of reference itself were therefore ripe for review in terms of the principle of legality, alternatively, PAJA. In addition, the candidate found that ACSA, as a state entity, failed to apply the provisions of section 217 of the Constitution to the publication of the terms of reference. The candidate's judgment was upheld by the SCA in *Airports Company South Africa Ltd v Imperial Group Ltd* 2020 (4) SA 17 (SCA).

- 6.4.2. In *Institute for Accountability in Southern Africa v Public Protector and Others* [2020] JOL 46861 (GP), the candidate dismissed an application for an order declaring that the incumbent public protector was not a fit and proper person to hold the office of public protector as required by section 193(1)(b) of the Constitution. The candidate declined to exercise his discretion to grant the declaratory relief because to do so would directly infringe on the constitutionally mandated terrain of the National Assembly and the President.
- 6.4.3. In *Patel v S* [2015] 4 All SA 382 (GJ), the candidate dismissed an appeal against an extradition order. The candidate held that the date to determine compliance with the double jeopardy principle is the date of the extradition request and not the date on which the alleged offences were committed. The candidate's judgment was upheld by the SCA in *Patel v Director of Public Prosecutions* 2017 (1) SACR 456 (SCA).
- 6.4.4. In *The Director of Public Prosecutions: Gauteng Division, Pretoria v Tsotetsi* 2017 (2) SACR 233 (SCA); [2017] ZASCA 083, the candidate upheld an appeal, set aside the trial court's sentence, and imposed the prescribed minimum sentence for premeditated murder.
- 6.4.5. In *Fleki (Pty) Ltd v FNB Securities (Pty) Ltd* [2020] 2 All SA 452 (GJ), the issue for determination was whether a request in terms of section 54 of the Companies

Act 71 of 2008 to materialise uncertificated shares could be made subject to a condition. The candidate considered the legislative history of uncertificated securities and interpreted the relevant provisions of the Companies Act. The candidate found that the conversion from uncertificated to certificated securities is triggered by the wishes of the holder of the securities and that neither the relevant participant, nor the depository, nor the company, has any discretion in that regard.

- 6.5. The candidate's judgments reflect an understanding of procedural and substantive law. The candidate's judgments are consistently detailed, balanced, and thoroughly researched.
- 6.6. The candidate's professional development and increased experience is evident from his more recent judgments. For example, in *Living Africa One (Pty) Ltd v Ekurhuleni Metropolitan Municipality* 2023 (6) SA 551 (GJ), writing for the full bench, the candidate dealt concisely and cogently with complex issues concerning contempt of court and constitutional damages. The court *a quo* had dismissed the appellant's application to hold the Ekurhuleni Metropolitan Municipality in contempt for failure to provide alternative accommodation and claim for constitutional damages suffered as a result of the continued occupation of its property. The candidate, in distinguishing between the two remedies of contempt and damages, held that, while the appellant had failed to prove that the Ekurhuleni Metropolitan Municipality was in contempt of the court order, the applicant was entitled to constitutional damages.

7. Judgments of the candidate that have been taken on appeal

- 7.1. The candidate has disclosed that 18 judgments have been taken on appeal. Of these, 10 judgments have been upheld and 8 judgments have been overturned (2 of which the candidate had concurred in).
- 7.2. The judgments of the candidate upheld on appeal are:
- 7.2.1. Reference is made above to two of these judgments, namely: *Patel v Director of Public Prosecutions* 2017 (1) SACR 456 (SCA); and *Airports Company South Africa Ltd v Imperial Group Ltd* 2020 (4) SA 17 (SCA).
- 7.2.2. *Limpopo Economic Development Agency v Klopper NO and Others* [2020] ZAGPJHC 234 (20 January 2020) upheld by the majority (per Plasket JA) in [2022] ZASCA 72 (25 May 2022), 2022 JDR 1421 (SCA) concerned the correct

interpretation of a shareholders' agreement together with a clause in a mining right which was converted from an old order right into a new order mining right. Plasket J agreed with the candidate that the applicant's interpretation of the relevant clause in the mining right was untenable, neither sensible nor businesslike, as it was premised on the Minister acting beyond his powers, thus unlawfully, in granting new order rights.

7.2.3. The question for separate determination in *Transnet SOC Ltd v Total South Africa (Pty) Ltd* 2017 (1) SA 526 (SCA) was whether a variation agreement concluded between Total SA and the previous South African Government (granting certain benefits to Total SA relating to the tariffs applicable for the transport of crude oil), remained binding on Transnet despite the change in the regulatory regime governing the transport and conveyance of fuel in South Africa brought about by the National Energy Regulator Act 40 of 2004 and the Petroleum Pipelines Act 60 of 2003. The variation agreement was underpinned by the neutrality principle. Transnet argued that this principle could not co-exist with new legislation. Only the National Energy Regulator could set tariffs. The candidate, as the court of first instance, found that the defences must fail. The SCA agreed. The SCA did not comment on the candidate's reasoning.

7.2.4. *Association of Mineworkers and Construction Union (Amcu) and Others v Chamber of Mines of SA and Others (The Chamber)* [2016] 37 ILJ 1333, upheld in the judgment reported at 2017 (3) SA 242 (CC), concerned a collective wage agreement concluded between gold mining companies, represented by the Chamber, and three unions, representing the majority of workers employed in the gold mining sector, excluding Amcu. The collective agreement was extended to non-parties in accordance with the provisions of the Labour Relations Act. Amcu sought to organise a strike, despite the conclusion of the collective wage agreement, which bound Amcu. The Chamber instituted proceedings to interdict the strike. The issue for determination was whether Amcu was bound by the wage agreement. The Labour Court interdicted the strike. The candidate, writing for the Labour Appeal Court, dismissed Amcu's appeal. The Constitutional Court confirmed both the candidate's findings in respect of the meaning of "workplace" and that the provisions of the Labour Relations Act, which allows

for the extension of collective agreements to non-parties, did not infringe the right to strike.

7.2.5. The candidate's decision in *Makate v Vodacom (Pty)Ltd* [2014] ZAGPJHC 135 (1 July 2014) was upheld by the Constitutional Court in *Makate v Vodacom (Pty) Ltd* 2016 (4) SA 121 (CC) (26 April 2016)

7.2.6. The review committee could not locate the matter of *De Lange A NO and Another v Nunes J* (SGH case no 20195/11) referenced by the candidate.

7.3. The judgments of the candidate overturned on appeal include:

7.3.1. In *Framatome v Eskom Holdings SOC Ltd* (357/2021) ZASCA 132; 2022 (2) SA 395 (SCA) (1 October 2021), the SCA upheld an appeal against a judgment of the candidate in which the candidate found that the adjudicator had exceeded his jurisdiction and made a decision on a matter that was not properly before him. The SCA found that the adjudicator had not exceeded his jurisdiction as his decision was based on the case as it was referred to him by the parties. The SCA criticised the candidate for being unduly narrow in his interpretation of the adjudicator's award, and that the findings made by the candidate were not borne out by the facts.

7.3.2. In *Myathaza v Johannesburg Metropolitan Bus Service (SOC) Limited t/a Metrobus and two other matters* 2016 (3) SA 74 (LAC); 2018 (1) SA 38 (CC), the applicant had successfully obtained an award for unfair dismissal in an arbitration. Metrobus sought to review the award but failed to prosecute the review timeously. The applicant's attempt to make the arbitration award an order of court was unsuccessful before the Labour Court, as the Labour Court accepted Metrobus's argument that the award had prescribed. The main issue for determination before the Labour Appeal Court was whether the Prescription Act applied to arbitration awards made under the Labour Relations Act 66 of 1995. The candidate, writing for the LAC, held that the award constituted a "debt" for the purposes of prescription and agreed with Metrobus that it had prescribed. The majority in the Constitutional Court held that the Prescription Act did not apply to awards under the Labour Relations Act and, further, that even if the Prescription Act did apply, an arbitration award was not a "debt" for purposes of the Prescription Act. The minority in the Constitutional Court held

that the Prescription Act did apply, but that prescription had been interrupted by the institution of arbitration proceedings under the Labour Relations Act and by the subsequent review proceedings.

- 7.3.3. The candidate has listed two judgments that were overturned on appeal prior to his permanent appointment in 2010. These judgments are *Odendaal v Odendaal* 2002 (1) SA 763 (W); [2002] JOL 9311 (W) and *Ex Parte Body Corporate of Caroline Court* 2001 (4) SA 1230 (SCA); [2001] JOL 9122 (A).
- 7.3.4. In *Odendaal*, the Full Bench (per Goldstein J) observed that the candidate's judgment was full and careful, and only set aside that part of his judgment and order where he held, wrongly, that the parties before him had agreed to exclude the application of the accrual system from their marriage.
- 7.3.5. In *Caroline Court*, the SCA, per Navsa JA, criticised the candidate for deciding a complex issue on which no court had yet pronounced (i.e., the interpretation of s 48(6) of the Companies Act 61 of 1973), in *ex parte* proceedings and without having (or calling for) the benefit of argument and evidence that may have been advanced by several interested parties. Despite criticism on the candidate's approach, the SCA upheld the candidate's judgment.
- 7.3.6. The candidate has listed two judgments, *Clearfreight (Pty) Ltd v Pictech Sales CC* [2016] JOL 33587 (SCA); (186/12) [2013] ZASCA 181 (29 November 2013) and *Joubert Scholtz Inc and others v Elandsfontein Beverage Marketing (Pty) Ltd* [2012] 3 All SA 24 (SCA), in which he had concurred, which were subsequently overturned on appeal. As these were not written by the candidate, and there is no indication in the application of the candidate's contribution to these judgments, an analysis of these judgments is not included in this review.

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

- 8.1. The candidate has extensive judicial and quasi-judicial experience, as detailed above.
- 8.2. The extent of this experience is reflected in the candidate's judgments discussed in this review.
- 8.3. The candidate has also served as an acting judge of the Supreme Court of Appeal during the following periods:
- 8.3.1. 1 December 2016 to 31 May 2017 (when the candidate wrote 4 judgments, 1

dissenting, and concurred in 15 judgments);

8.3.2. 1 December 2023 to 31 March 2024 (when the candidate wrote 2 and concurred in 7 judgments);

8.3.3. 1 April 2024 to 31 May 2024 (when the candidate wrote 1 and concurred in 6 judgments); and

8.3.4. 1 June 2024 to 30 September 2024 (at the date of this review, there were no judgments handed down for the period from 1 June 2024 that the candidate either wrote or concurred in).

8.4. The most significant of the candidate's judgments while serving as an acting judge in the SCA are:

8.4.1. *Neotel (Pty) Ltd v Telkom SOC Ltd and others* (605/2016) [2017] ZASCA 47 (31 March 2017). The candidate wrote the unanimous judgment of the court.

The appeal concerned the principle of appealability. At the hearing, the appellant no longer sought leave to appeal against the order of the court quo (as it had become moot) but rather wished to appeal against the court *a quo's* findings in relation to the BEE requirement contemplated by s9(2)(b) read with s13 of the Electronic Communications Act 36 of 2005. Counsel for the appellant argued that the case presented the SCA with an opportunity to find that, in exceptional circumstances, an appeal may lie against the reasons for an order.

In discussing and distinguishing the authorities relied on by the appellant to justify its 'novel' approach, the candidate remarked that what the appellant was asking was that the SCA jettison sound legal principle, confirmed by numerous judgments. Although the SCA had adopted a more flexible and pragmatic approach regarding the appealability of interlocutory orders, this approach did not extend to making reasons for judgments and orders appealable. The appellant's 'novel' approach, the candidate opined, would open the floodgates. In any event, there were no exceptional circumstances that would justify a departure as radical as the one called for by the appellant.

The candidate's statements on appealability, as set out above, have been cited in several subsequent judgments. (See for example, in *Chawla v Manuel* [2019] JOL 41491 (GP) (69804/2017) [2019] ZAGPPHC 47 (22 February 2019)

(marked reportable); *Cipla Agrimed (Pty) Ltd v Merck Sharpe Dohme Corporation and others* 2018 (6) SA 440 (SCA); [2017] ZASCA 134 (SCA); 4 All SA 604 (SCA) at p 611 and *United Democratic Movement and another v Lebashe Investments Group (Pty) Limited and others* [2022] JOL 55492 (CC) at para 39.)

8.4.2. *Organi Mark (Pty) Ltd v Goolam Nabi Ebrahim Akoodie and Another* [2024] ZASCA 44 was an appeal against a special plea which was upheld by the High Court. The appellant had sought to hold the respondents liable under section 361 of the Swaziland Companies Act 8 of 2009. The candidate, writing for the court, found that no ratio jurisdictionis other than residence was alleged, and that the court *a quo* was correct to find that it lacked jurisdiction to entertain the claim. The court could not assume jurisdiction in relation to alleged reckless or fraudulent conduct by respondents in a foreign country in relation to a foreign company that was wound up by a foreign court in that country. In addition, the candidate held the statute relied upon by the appellant did not have any extra-territorial effect.

8.4.3. *AIG South Africa Limited v 43 Air School Holdings (Pty) Ltd and Others* [2024] ZASCA 97 concerned an appeal about the liability of an insurer under a policy of insurance cover for alleged business interruption brought about by the outbreak of the Covid-19 pandemic. A key issue in the appeal was whether the policy in respect of business interruption was joint or composite. Relying on an interpretation of the policy and considering the nature of the interests of the insured, the candidate found that the High Court erred in finding that the policy was joint. The candidate said that there was no evidence that any of the respondents shared the same facilities nor that the respondents had or shared a common gross profit, or that they had a joint and common interest in each other's gross profit.

The candidate held that the fact that several persons or entities are insured under one policy, or that the entities may share facilities or be interrelated operationally, or that the maximum cover is a single globular amount, or that the premium is payable in a single globular amount does not mean the policy is a joint one. According to the candidate, it is established law that the decisive factor that determines whether a policy is joint, or composite is the nature of the

interest of the insured persons or entities in the subject-matter. If their interest in the subject-matter of the insurance is joint, in the sense that they are exposed to the same risk and will suffer the same loss when the peril insured against occurs, that may indicate that the policy is joint. However, where their interests are different, even though it is in respect of the same subject-matter, the policy will not be joint; the policy is intended to insure each insured separately in respect of its own interest.

The candidate also held that the reporting obligation under the policy is not the equivalent of a demand but is a condition precedent for the insurer's liability under the policy. Consequently, the candidate held that the respondents had to comply with the reporting clauses in the policy before bringing the application and before rendering AIG liable under the policy.

- 8.4.4. The balance of the judgments written by the candidate while acting in the SCA, centred on factual matters, and were either a restatement of the law or contained no novel and significant points of law.

9. The candidate's linguistic and communication skills

- 9.1. The candidate's judgments are written in English.
- 9.2. Nothing in the judgments and other writings considered by the reviewers indicates that the candidate's linguistic and communication skills are not adequate.

10. The candidate's ability to produce judgments promptly

- 10.1. The candidate indicated that no judgments were outstanding at the time of completing the questionnaire. The candidate indicated that there are outstanding judgments from the recent period that the candidate served as an acting judge in the Supreme Court of Appeal in which he was not the scribe.
- 10.2. Of the judgments of the candidate considered by the reviewers, two were handed down more than three months after hearing. In limited instances, it was not possible to establish whether there had been a delay because the hearing date is not provided.

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

- 11.1. The reviewers received no adverse comments from colleagues relating to the candidate's ability to conduct court proceedings fairly, efficiently, and effectively.

12. The candidate's independent-mindedness

- 12.1. The reviewers received no adverse comments from colleagues relating to the candidate's independent-mindedness.

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

- 13.1 There is nothing in the candidate's application against which the reviewers can assess the candidate's administrative capacity or ability. While the candidate has recorded his membership of various legal, religious, and community organisations, the candidate does not indicate that he held any leadership role in these organisations nor the contribution he made to these organisations.

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

- 14.1. The candidate has served the community as an advocate and judge for a period of 40 years. His judgments are well reasoned, and several have had a wider impact on the law generally. He is well respected, and his appointment would be positively received by the public at large.

ANNEXURE: LIST OF JUDGMENTS CONSIDERED

Reported judgments

1. *Living Africa One (Pty) Ltd v Ekurhuleni Metropolitan Municipality and Another* [2023] 4 All SA 111 (GJ); 2023 (6) SA 551 (GJ) (11 August 2023)
2. *HR Computek (Pty) Ltd v Dr WAA Gouws Johannesburg (Pty) Ltd and Others* (2019/38193); 2023 (6) SA 268 (GJ) (12 July 2023)
3. *Myers v National Commissioner of South African Police Service and Another* [2022] 11 BLLR 991 (LAC) (30 June 2022)
4. *Real Time Investments 158 t/a Civil Works v Commission for Conciliation, Mediation and Arbitration and Others* [2022] 6 BLLR 524 (LAC) (17 March 2022)
5. *Trellicor (Pty) Ltd t/a Trelidor v National Union of Metal Workers of SA (NUMSA) obo Mloni Ndwalane and Others* [2022] 5 BLLR 442 (LAC) (10 February 2022)
6. *Groom v Daimler Fleet Management (Pty) Ltd* [2021] 11 BLLR 1079 (LAC) (4 August 2021)
7. *De Bruyn v Metorex (Pty) Ltd* [2021] 10 BLLR 979 (LAC) (21 July 2021)
8. *Molosioa v Eskom Holdings Limited (Komati Power Station)* [2021] 4 BLLR 368 (LAC) (3 November 2020)
9. *Institute for Accountability in Southern Africa v Public Protector and Others* 2020 (5) SA 179 (GP); [2020] 2 All SA 469 (GP)
10. *Fleki (Pty) Ltd v FNB Securities (Pty) Ltd* [2020] 1 All SA 452 (GJ)
11. *Imperial Group Limited v Airports Company South Africa SOC Limited and Others* [2018] 3 All SA 851 (GJ)
12. *Director of Public Prosecutions, Gauteng Division, Pretoria v Tsotetsi* 2017 (2) SACR 233 (SCA); [2017] ZASCA 83 (SCA)
13. *Metsimaholo Local Municipality v South African Local Government Bargaining Council and Others* [2016] 5 BLLR 435 (LAC) (3 February 2016)
14. *Patel v S* [2015] 4 All SA 382 (GJ); 2016 (2) SACR 141 (GJ)
15. *Joubert Scholtz Inc and Others v Elandsfontein Beverage Marketing (Pty) Ltd* [2012] 3 All SA 24
16. *Odendaal v Odendaal* 2002 (1) SA 763 (W); 2 All SA 94 (W)
17. *Ex Parte Body Corporate of Caroline Court* 2001 (4) SA 1230 (SCA)

Unreported judgments

18. *AIG South Africa Limited v 43 Air School Holdings (Pty) Ltd and Others* (640/2023)

- [2024] ZASCA 97 (13 June 2024)
19. *Christopher Charles Hughes v Nicolas Gargassoulas and Others* (1030/2022) [2024] ZASCA 46 (12 April 2024)
 20. *Organi Mark (Pty) Ltd v Goolam Nabi Ebrahim Akoodie and Another* (240/2023) [2024] ZASCA 44 (8 April 2024)
 21. *Advance Warehousing (Pty) Ltd v Mashigo* (JA9/16) [2017] ZALAC 57 (18 October 2017)
 22. *Neotel (Pty) Ltd v Telkom SA SOC Ltd and others* (605/2016) [2017] ZASCA 47 (31 March 2017)
 23. *Mazina v S* [2017] JOL 37588 (SCA); (496/2016) [2017] ZASCA 22 (24 March 2017)
 24. *Nduba and others v First Rand Bank t/a Wesbank* (1113/2016) [2017] ZASCA 61 (26 May 2017)
 25. *Clearfreight (Pty) Ltd v Pictech Sales CC* [2016] JOL 33587 (SCA)

Judgments upheld on appeal

26. *Airports Company South Africa SOC Ltd v Imperial Group Ltd and Others* (1306/18) [2020] ZASCA 2; [2020] 2 All SA 1 (SCA); 2020 (4) SA 17 (SCA) (31 January 2020) (High Court judgment citation is [2018] 3 All SA 751 (GJ))
27. *Limpopo Economic Development Agency v Klopper NO and Others* (982/2020) [2022] ZASCA 72 (25 May 2022) (High Court judgment citation is (0049700/2017) [2020] ZAGPJHC 234 (29 January 2020))
28. *Association of Mineworkers and Construction Union and Others v Chamber of Mines of SA and Others* (LAC judgment reported in [2016] 37 ILJ 1333 (LAC); [2016] BLLR 872 (LAC); Constitutional Court judgment reported in (2017) 38 ILJ 831 (CC); 2017 (3) SA 242 (CC); 2017 (6) BCLR 700 (CC) and [2017] 7 BLLR 641 (CC))
29. *Patel v National Director of Public Prosecutions: Johannesburg* [2016] ZASCA 191 (1 December 2016); 2017 (1) SACR 456 (SCA) (High Court judgment citation is [2015] 4 All SA 382 (GJ); 2016 (2) SACR 141 (GJ))
30. *Transnet SOC v Total South Africa (Pty) Ltd and Another* [2016] ZASCA 116 (14 September 2016); 2017 (1) SA 526 (SCA) (could not find High Court judgment)

Judgments overturned on appeal

31. *Framatome v Eskom Holdings SOC Ltd* (357/2021) ZASCA 132; 2022 (2) SA 395 (SCA) (1 October 2021)

32. *Myathaza v Johannesburg Metropolitan Bus Service (SOC) Limited t/a Metrobus and two other matters* (2016) 37 *ILJ* 413; [2016] 1 *BLLR* 24; 2016 (3) SA 74 (LAC); Constitutional Court judgment (2017) 38 *ILJ* 527; [2017] 3 *BLLR* 213; 2018 (1) SA 38 (CC); 2017 (4) *BCLR* 473 (CC)
33. *Odendaal v Odendaal* 2002 (1) SA 763 (W)
34. *Ex parte Body Corporate of Caroline Court* 2001 (4) SA 1230 (SCA)
35. *Clearfreight (Pty) Ltd v Pictech Sales CC* [2016] *JOL* 33587 (SCA)
36. *Joubert Scholtz Inc and Others v Elandsfontein Beverage Marketing (Pty) Ltd* [2012] 3 All SA 24