Reportable:	YES / **NO**
Circulate to Judges:	YES / **NO**
Circulate to Magistrates:	YES / **NO**
Circulate to Regional Magistrates:	YES / **NO**

IN THE HIGH COURT OF SOUTH AFRICA

NORTH WEST DIVISION - MAHIKENG

CASE NO.: CIV APP MG 23/23

MAGISTRATES CASE NO: 37/2022

In the matter between

ISAAC SIPATO MONYANE **APPELLANT**

and

THE MINISTER OF POLICE **RESPONDENT**

CIVIL APPEAL

CORAM: PETERSEN ADJP; KHAN AJ

ORDER

(i) The appeal is dismissed.

(ii) No order as to costs.

JUDGMENT

PETERSEN ADJP

Introduction

[1] This is an unopposed appeal against the quantum of damages awarded to the appellant in the Potchefstroom Magistrates' Court by District Court Magistrate Mr Ajooha.

[2] The appellant was arrested without a warrant by a member of the South African Police Service between **07h30am and 08h00am** on **29 December 2020**. The appellant maintains that he was not

informed of the reason for his arrest. In the particulars of claim, the reason for the arrest is recorded as being for a charge of assault with intent to do grievous bodily harm. The appellant was ferried to Potchefstroom Magistrates' Court on the same day at around **08h00am**. At **14h30pm** he was released from detention at the courthouse, without appearing in court.

[3] On **11 May 2021** the statutory notices required by section 3 and 4 of the Institution of Legal Proceedings against Certain Organs of State Act, Act 40 of 2022 was delivered by way of registered post to the National Police Commissioner and the Provincial Police Commissioner, North-West Province. The appellant instituted an action for unlawful arrest and detention against the respondent on **10 January 2022**, claiming damages in an amount of **R100 000.00**.

[4] On **11 February 2022** the respondent, requested the attorney of record of the appellant to exchange pleadings by way of e-mail and proceeded without further ado, to serve a notice of intention to defend. The notice of intention to defend was defective. Notwithstanding a notice delivered by the appellant in terms of Rule 12(2)(a)(iii) of the Magistrates' Court Rules, the defective Notice of Intention to Defend was not rectified. As a result, default judgment was granted against the respondent on the merits, on **04 March 2022**.

[5] The respondent in any event had no defence to the arrest of the appellant on a charge of assault with intent to do grievous bodily

harm. At the time of arrest of the appellant, the offence of assault with intent to do grievous bodily harm was not an offence listed in Schedule 1 of the Criminal Procedure Act, Act 51 of 1977 for which an arrest could be effected.

[6] Notwithstanding default judgment being granted on the merits on **04 March 2022**, the appellants attorneys inexplicably, only applied for a date for adjudication of quantum on **30 March 2023** which was delivered to the Clerk of the Court, Potchefstroom on **03 April 2023**. On **11 April 2023**, **the Clerk of Court** allocated **16 May 2023** for adjudication of quantum by the Magistrate. On **11 May 2023** a damages affidavit was filed by the appellant which was received by the Clerk of Court on **16 May 2023**.

<u>The Rule 12(4) of the Magistrates Court Rules affidavit</u>

[7] Rule 12(4) of the Magistrates' Court Rules provides that:

> *"The registrar or clerk of the court shall refer to the court any request for judgment for an unliquidated amount and the plaintiff shall furnish to the court evidence either oral or by affidavit of the nature and extent of the claim, whereupon the court shall assess the amount recoverable by the plaintiff and give an appropriate judgment."*

[8] The request for judgment on quantum was referred to the Magistrate on **16 May 2023**. The Magistrate handed down a full judgment on **06 June 2023** in which he granted quantum as follows:

"7.1 The Defendant will pay the Plaintiff an amount of R10 000 (Ten Thousand Rand).

7.2 Interest will be payable from date of summons until the final payment at the rate of 7%.

7.3 Defendant is to pay the Plaintiff's costs of action on an attorney and client scale which cost will include but not (sic) limited to necessary consultation, Heads of Argument and preparation (sic) all within the discretion of the Taxing Master."

[9] The appellant requested the Magistrate to provide reasons for the judgment of **06 June 2023**, in terms of Rule 51(1) of the Magistrates' Court Rules. The Magistrate abided by his judgment.

The evidence adduced in support of quantum

[10] The facts leading to the arrest and detention of the appellant are set out in the damages' affidavit. The content which constitutes the evidence in support of quantum, relevant to the determination of this appeal, is as follows:

"1.

"I am an adult male person with identity number …., and currently residing at … I am the Plaintiff is this matter and make this affidavit voluntarily in support of the quantification of damages for an unlawful arrest that place on the 29th of December 2020 at approximately 07h30. Where I make a statement of a legal nature I do so on the advice of my attorney, which advice I accept to be true and correct. The contents of this affidavit fall within my personal knowledge and are both true and correct.

2.

On the 28th of December 2020, I was at Ikageng Police Station next to Home Affairs to open a case of assault against Mr Mark whose surname is unknown to me. I was told to come back the next morning. On 29 December 2020 at approximately 07h30 I arrived at Ikageng Police Station. Upon arrival at Ikageng Police Station I was arrested and charged for assault GBH, without a warrant of arrest. I was surprised to be arrested since I did not even know (sic) case against me and since I was the Complainant in a case against the person who claimed I assaulted him.

3.

At Ikageng Police station, I was charged and handed a notice of rights, the contents thereof were not explained to me. At approximately 08h00 I was taken to Potchefstroom Magistrate's court and placed in the holding cells. For the entire period of my detention, I did not receive anything to eat or drink.

4.

The conditions in the cell were terrible, it was very cold and dark in those cells. The toilet facilities inside the cell smelled horrible and I did not go near the toilet to see if it was working. I can confirm that I was detained with 12 people. I was scared that the Complainant in my case would assault or hurt me as he was arrested with me in the same cell. The Police did not provide me with a mask, or hand sanitizer or any other cleaning supplies. My arrest and detention happened during the Covid 19 pandemic, and I was worried for my health due to conditions inside the cell. I was released without even appearing in Court, at 14h30 on 29 December 2020, with no reason being given as to why I was arrested in the first place.

5.

At the time of my arrest, I was 47 years old, unmarried with five (5) minor children whom I am supporting financially. I di not have any previous

convictions or pending cases. I feel that I cannot trust the Police as a result of how they treated me, and I feel that my constitutional rights were violated for no apparent reason. I ask that the Court make an appropriate award in this regard.

6.

That is all I can state."

The approach on appeal

[11] The general rule is that a court of appeal will not interfere with the findings of the trial court unless a material misdirection has occurred. The assessment of quantum remains a matter for the discretion of the trial court and a court of appeal will not interfere with the exercise of that discretion unless there is a striking disparity between the award ordered by the trial court and what the appeal court would award. A decade ago, Innes CJ succinctly captured this approach as follows in *Hulley v Cox* 1923 AD 234 at 246:

"An appellate tribunal is naturally slow to interfere with the discretion of a trial judge in the matter of damages. But this is not the verdict of a jury; and we are bound to intervene if we think that due effect has not been given to all the factors which properly enter into the calculation; or if the final award is in our opinion excessive. Some deduction is, therefore, inevitable. ***We cannot allow our sympathy for the claimants in this very distressing case to influence our judgment****."*

(emphasis added)

[12] In *Minister of Safety & Security v Seymour* 2006 (6) SA 320 (SCA) at paragraph [11], Nugent JA re-affirmed the salient approach of a court of appeal as set out in *Protea Assurance Co Ltd v Lamb* 1971 (1) SA 530 (A) at 534H - 535A and *Road Accident Fund v Marunga* 2003 (5) SA 164 (SCA) para 23 when he said:

> *"[11] In Protea Assurance Co Ltd v Lamb 1971 (1) SA 530 (A) at 534H - 535A. Potgieter JA said the following in relation to general damages for bodily injury (the principles apply equally to a case like the present one), which was repeated more recently by this Court in Road Accident Fund v Marunga 2003 (5) SA 164 (SCA) para 23:*
>
> *'It is settled law that the trial Judge has a large discretion to award what he in the circumstances considers to be a fair and adequate compensation to the injured party for these sequelae of his injuries. Further, this Court will not interfere unless there is a "substantial variation" or as it is sometimes called a "striking disparity"' between what the trial Court awards and what this Court considers ought to have been awarded."*

The grounds of appeal

[13] The appellant assails the award of quantum by the Magistrate on a multiplicity of grounds, as set out in the Notice of Appeal. For purposes of this judgment, although the grounds are prolix, it is appropriate to repeat them, to appreciate the view this Court ultimately takes of the matter:

> *"1. The learned Magistrate materially misdirected and erred in by only awarding an amount of R10 000-00 to the plaintiff in relation to*

damages suffered due to an unlawful arrest and detention effected onto the Plaintiff.

2. *The learned Magistrate misdirected, erred, and did not exercise his discretion judicially alternatively, the learned Magistrate had been influenced by wrong principals (sic) and/or misdirection on the facts alternatively;*

3. *The learned Magistrate misdirected and erred and reached a decision which result could not reasonably have been made by a Court properly directing itself to all the relevant facts and principals (sic).*

4. *The learned Magistrate misdirected and erred by only awarding an amount of R10 000-00 to the plaintiff in relation to damages suffered for a period of 6 hours in detention. This amount as ordered by the learned Magistrate stand in striking disparity between previous awards (under similar circumstances) by various Courts and./or what an Appeal Court would award.*

5. *The learned Magistrate material misdirected and failed to pay due regard to the principle of stare decisis as he granted compensation well below awards in similar circumstances by various Courts.*

6. *The learned Magistrate further misdirected and erred in reaching the conclusion that the Plaintiff was only entitled to "10 000.00" for his unlawful arrest and detention. The amount as warded does not reflect the importance of the constitutional rights of the Plaintiff and how these rights were unlawfully and negatively affected.*

7. *The learned Magistrate erred in not appreciating that the time spent in detention by the Plaintiff, does not play the only the Plaintiff's damages. The learned Magistrate failed to properly consider the high value of the right to physical liberty; the effect of inflation and the fact that the action*

injuriarum also has a punitive function before making the award alternatively;

8. *The learned Magistrate further misdirected and erred by in effect, "applying a mathematical approach" in determining 'an award for damages" which mathematical approach" is clearly incorrect, based on wrong principals (sic) and/or a misdirection of facts.*

9. *The award of R10 000.00 is shockingly low, inappropriate, and disproportionate bearing in mind what the Plaintiff had to endure alternatively the learned Magistrate misdirected by not taking all the relevant facts and circumstances into account, in its assessment of the damages suffered by the Plaintiff pursuant to his unlawful arrest and detention."*

The award of damages

[14] In *Pitt v Economic Insurance Co Ltd* 1957 (3) SA 284 (D), Holmes J said the following in respect of the award of damages:

"(T)he Court must take care to see that its award is fair to both sides – it must give just compensation to the plaintiff, but it must not pour out largesse from the horn of plenty at the defendant's expense."

[15] In quantifying the award of damages, the sum awarded must be commensurate with the premium placed on the right to liberty and human dignity. This much has been confirmed in *Minister of Police v Du Plessis* 2014 (1) SACR 217 (SCA) at paragraph [15], where Navsa ADP emphasized the sanctity of the right of liberty as follows:

"Our new constitutional order, conscious of our oppressive past, was designed to curb intrusions upon personal liberty which have always even in the dark days of apartheid been judicially valued, and to ensure that excesses of the past would not recur. The right of liberty is inextricably linked to human dignity. Section 1 of the Constitution proclaims as founding values human dignity, the advancement of human rights and freedom. Put simply, we as society place a premium on the right of liberty."

(emphasis added)

[16] The primary purpose of awarding damages (*solatium*) in unlawful arrest and detention claims is succinctly captured by Bosielo AJA (as he then was) in *Minister of Safety and Security v Tyulu* 2009 (5) SA 85 (SCA) at paragraphs [26] and [27], where he said:

"[26] In the assessment of damages for unlawful arrest and detention, it is important to bear in mind that the primary purpose is not to enrich the aggrieved party but to offer him or her some much-needed solatium for his or her injured feelings. It is therefore crucial that serious attempts be made to ensure that the damages awarded are commensurate with the injury inflicted. However our courts should be astute to ensure that the awards they make for such infractions reflect the importance of the right to personal liberty and the seriousness with which any arbitrary deprivation of personal liberty is viewed in our law. ***I readily concede that it is impossible to determine an award of damages for this kind of injuria with any kind of mathematical accuracy. Although it is always helpful to have regard to awards made in previous cases to serve as a guide, such an approach if slavishly followed can prove to be treacherous. The correct approach is to have regard to all the facts of the particular case and to determine the quantum of damages on such facts*** *(Minister of Safety and Security v Seymour 2006 (6) SA 320 (SCA) 325 para 17; Rudolph & others v Minister of*

Safety and Security & others (380/2008) [2009] ZASCA 39 (31 March 2009) (paras 26-29).

"[27] Having given careful consideration to all relevant facts, including the age of the respondent, the circumstances of his arrest, its nature and short duration, his social and professional standing, the fact that he was arrested for an improper motive and awards made in comparable cases, I am of the view that a fair and appropriate award of damages for the respondent's unlawful arrest and detention is an amount of R15 000.

(my emphasis)

[17] It is inevitable that reliance is placed on awards in previously decided cases. This was the approach adopted by the appellant's counsel before the Magistrate and remains the approach on appeal. The guiding of words of Nugent JA in *Seymour supra* with emphasis on *Protea Assurance Co Ltd v Lamb* 1971 (1) SA 530 (A), regarding reliance on previously decided cases remains trite:

"[17] The assessment of awards of general damages with reference to awards made in previous cases is fraught with difficulty. The facts of a particular case need to be looked at as a whole and few cases are directly comparable. They are a useful guide to what other courts have considered to be appropriate but they have no higher value than that. As pointed out by Potgieter JA in Protea Assurance, after citing earlier decisions of this Court:

'The above quoted passages from decisions of this Court indicate that, to the limited extent and subject to the qualifications therein set forth, the trial Court or the Court of Appeal, as the case may be, may pay regard to comparable cases. ***It should be emphasised, however, that this process of comparison does not take the form of a meticulous examination of awards made in other cases in order to fix the amount of compensation; nor should the process be allowed so to dominate the enquiry as to***

become a fetter upon the Court's general discretion in such matters. *Comparable cases, when available, should rather be used to afford some guidance, in a general way, towards assisting the Court in arriving at an award which is not substantially out of general accord with previous awards in broadly similar cases, regard being had to all the factors which are considered to be relevant in the assessment of general damages. At the same time it may be permissible, in an appropriate case, to test any assessment arrived at upon this basis by reference to the general pattern of previous awards in cases where the injuries and their sequelae may have been either more serious or less than those in the case under consideration.'*

…

[20] Money can never be more than a crude solatium for the deprivation of what, in truth, can never be restored and there is no empirical measure for the loss. The awards I have referred to reflect no discernible pattern other than that our courts are not extravagant in compensating the loss. It needs also to be kept in mind when making such awards that there are many legitimate calls upon the public purse to ensure that other rights that are no less important also receive protection."

(my emphasis)

[18] The Supreme Court of Appeal has recently expressed itself very strongly in respect of the comparative award approach in the assessment of quantum of damages in unlawful arrest and detention matters. In *Diljan v Minister of Police* (746/2021) [2022] ZASCA 103 (24 June 2022), Makaula AJA, writing for the Court was very emphatic in respect of exorbitant amounts claimed by litigants in comparable cases, when he said:

"[14] … What remains to be decided therefore is the quantum thereof. On this score, Counsel for the appellant, inter alia, urged this Court to have regard to past awards in assessing the appropriate amount to be awarded. Counsel referred us to several previous judgments, including the judgment of

Lopes J in Khedama v The Minister of Police. The plaintiff in that matter had issued summons for unlawful arrest and detention against the defendant, claiming an amount of R1 million. She was arrested and detained for a period of 9 days from 3 December 2011 and released on 12 December 2011.

[15] In Khedama, the court, in large measure, had regard to the appalling conditions in the country's detention facilities, such as lack of water, blocked toilets, dirty and smelling blankets, sleeping on the cement floor, bad quality of food, and lack of sleep. Having considered various heads of damages, Lopes J awarded damages for wrongful arrest and detention of R100 000, deprivation of liberty and loss of amenities of life of R960 000 (R80 000.00 per day for 12 days); defamation of character including embarrassment and humiliation of R500 000 and general damages in an amount of R200 000. In total, he assessed the total damages suffered at R1, 760 000. However, because the amount claimed was limited to R1 000 000 he was awarded the latter amount.

…

[18] The acceptable method of assessing damages includes the evaluation of the plaintiff's personal circumstances; the manner of the arrest; the duration of the detention; the degree of humiliation which encompasses the aggrieved party's reputation and standing in the community; deprivation of liberty; and other relevant factors peculiar to the case under consideration.

…

*[20] **A word has to be said about the progressively exorbitant amounts that are claimed by litigants lately in comparable cases and sometimes awarded lavishly by our courts. Legal practitioners should exercise caution not to lend credence to the incredible practice of claiming unsubstantiated and excessive amounts in the particulars of claim. Amounts in monetary claims in the particulars of claim should not be 'thumb-sucked' without due regard to the facts and circumstances of a particular case. Practitioners ought to know the reasonable measure of previous awards, which serve as a barometer in quantifying their clients' claims even at the stage of the***

issue of summons. They are aware, or ought to be, of what can reasonably be claimed based on the principles enunciated above.

[21] The facts relating to the damages sustained by the plaintiff in Khedama are largely similar to those in this matter. However, the excessive amount awarded in Khedama cannot serve as a guide in a matter like the present. Even the length of the period during which Ms Khedama was incarcerated, was overstated and, as a result, she was awarded an amount which was, in my view, significantly more than what she deserved."

(emphasis added)

[19] In *Motladile v Minister of Police* 2023 (2) SACR 274 (SCA), (Kathree-Setiloane AJA (Mbatha and Gorven JJA and Nhlangulela and Mali AJJA concurring), the SCA considered "*the question whether damages in the amount of R60 000 awarded by the North West Division of the High Court, Mahikeng, per Mahlangu AJ (the high court) to the appellant, arising from his unlawful arrest and detention, are fair and reasonable having regard to the circumstances of the case."* The SCA went on to state as follows:

"*[13] At the outset of the appeal, and in the heads of argument, the respondent conceded that the damages the high court awarded to the appellant are so disproportionately low, that this Court can infer that the high court did not exercise its discretion properly. The high court found that having regard to the facts and circumstances of the case, an adequate award would be an amount of R15 000 per day, which amounts to R60 000 for the four days that the appellant spent in detention. In adopting the amount of R15 000 per day, the high court followed a practice that has developed in the North West Division of the High Court, Mahikeng (North West Division) of applying a 'one size*

<u>fits all' approach of R15 000 per day to damages claims for unlawful arrest and detention</u>…

[17] The assessment of the amount of damages to award a plaintiff who was unlawfully arrested and detained, is not a mechanical exercise that has regard only to the number of days that a plaintiff had spent in detention. Significantly, the duration of the detention is not the only factor that a court must consider in determining what would be fair and reasonable compensation to award. Other factors that a court must take into account would include (a) the circumstances under which the arrest and detention occurred; (b) the presence or absence of improper motive or malice on the part of the defendant; (c) the conduct of the defendant; (d) the nature of the deprivation; (e) the status and standing of the plaintiff; (f) the presence or absence of an apology or satisfactory explanation of the events by the defendant; (g) awards in comparable cases; (h) publicity given to the arrest; (i) the simultaneous invasion of other personality and constitutional rights; and (j) the contributory action or inaction of the plaintiff.

[18] It is as well to remember what this Court said in Tyulu v Minister of Police:

'*In the assessment of damages for unlawful arrest and detention, it is important to bear in mind that the primary purpose is not to enrich the aggrieved party but to offer him or her some much-needed solatium for his or her injured feelings. It is therefore crucial that serious attempts be made to ensure that the damages awarded are commensurate with the injury inflicted. However our courts should be astute to ensure that the awards they make for such infractions reflect the importance of the right to personal liberty and the seriousness with which any arbitrary deprivation of personal liberty is viewed in our law. I readily concede that it is impossible to determine an award of damages for this kind of injuria with any kind of mathematical accuracy. Although it is always helpful to have regard to awards made in previous cases to serve as a guide, such an approach if slavishly followed can prove to be*

treacherous. The correct approach is to have regard to all the facts of the particular case and to determine the quantum of damages on such facts. . ..'

[25] On consideration of the facts and circumstances of this case, as well as recent awards made by our courts in comparable cases and the steady decline in the value of money, I consider an award of R200 000 to be fair and reasonable compensation for the damages arising from the appellant's unlawful arrest and detention."

[20] A court in exercising its discretion must balance the premium placed on the right of liberty and human dignity, whilst avoiding extravagance in compensating for loss of liberty. The peculiar facts of each matter should prevail as a rule with comparative analysis being secondary thereto.

[21] In *Oosthuizen and Another v Minister of Police* (408/18) [2023] ZANWHC 56 (16 May 2023), Reddy AJ dealt with a matter of a similar nature to the present and awarded an amount of R10 000.00 in damages for eight (8) hours detention. This is analogous to what the Magistrate did in the present appeal. The following was said in that matter:

"[1] The plaintiffs were arrested by servants of the defendant, the Minister of Police, on allegations of assault and pointing of firearm, on the morning of 7th September 2018, detained and released later that day at approximately 15h50. The plaintiffs were detained for a period of about 8 (eight) hours.

…

[4] The first plaintiff was sixty nine (69) years old at the time of his arrest, farming at Witstinkhoutboom, Lichtenburg, previously employed at Iscor as an electro- technical engineer. The first plaintiff is married with one major child. On 7th September 2017, the plaintiff had driven to the SAPS, Lichtenburg, intending to register a criminal case against the complainant in Lichtenburg CAS 54/09/2017, who had allegedly attacked him with a knife the previous evening during a tiff.

[5] On the arrival at the SAPS, Lichtenburg at 7h00, the first plaintiff was referred to a certain office. At this office, he was arrested and handcuffed at approximately 8h00, by a servant of the defendant. The first plaintiff contended that his arrest was in full view of the public dispersed therein where his neighbours and friends, He was then transported in the back of a detention police motor vehicle to the Detective Branch which was two blocks away from the Lichtenburg SAPS.

…

[8] The holding cell at court was an estimated twelve square meters. This curtailed movement and made it physically impossible to sit or move around. There was a single functioning water tap. The latrine was broken and offered no privacy, and was used by the first plaintiff in full view of other detainees. The odour emitting from the blocked latrine had to be inhaled.

[9] Neither of the plaintiffs made a formal first appearance before a Magistrate. At about 15h50, both plaintiffs were released unconditionally.

[24] The plaintiffs were detained for 8(eight) hours each. Whilst the caution enunciated in *Diljan v Minister of Police* 2022 JDR 1759 (SCA) was handed down on **24 June 2022**, the common sense approach still echoed true in 2018, that practitioners ought to know the reasonable measure of previous awards, which serve as a barometer in quantifying their claims even at the stage of the issue of summons.

[25] Practitioners are aware or ought to be aware of what can be reasonably claimed based on the principles in our law. The initial amounts claimed by the plaintiffs under the various heads was clearly a guesstimate which undoubtedly did not correlate with the facts which were within the implicit knowledge of the plaintiffs' legal team. Such amounts inserted in particulars of claims, unfounded on fact and subsequent expert evidence creates unreasonably expectations in the eyes of the unacquainted plaintiff, which may prove to be the folly of many uninformed. It is a practice that must be deprecated.

Order

[26] In the premises the following order is made:

(i) The defendant is ordered to pay the first plaintiff an amount of R10 000 00;

(ii) The defendant is ordered to pay the second plaintiff an amount of R10 000 00;

(iii) The defendant is ordered to pay interest in respect of each of the aforesaid amounts, at the prescribed rate from date of judgment until date of payment;

(iv) The defendant is ordered to pay the costs of the suit on a party – and- party basis and on the applicable Magistrates' Court scale."

Conclusion

[22] The Magistrate in my view carefully considered the peculiar facts placed before him. I can find no misdirection on the part of the Magistrate. This Court would also not have considered an award

higher than the **R10 000.00**. The award of **R10 000.00** is fair and reasonable in the peculiar circumstances of the matter.

[23] The appeal accordingly stands to be dismissed.

Costs

[24] The appeal was unopposed. No order as to costs is accordingly appropriate.

Order

[25] In the result, the following order is made:

(i) The appeal is dismissed.

(ii) No order as to costs.

_____

A H PETERSEN

ACTING DEPUTY JUDGE PRESIDENT OF THE HIGH COURT OF SOUTH AFRICA,
NORTH WEST DIVISION, MAHIKENG

I agree.

_____

J L KHAN
ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION, MAHIKENG

APPEARANCES

COUNSEL FOR APPELLANT	**:**	**ADV. A C GOBETZ**
Instructed by	**:**	Jan Ellis Attorneys c/o Loubser Ellis and Associates BLOCK 1, 1ST FLOOR 402 PALMER CRESCENT LEOPARD PARK MMABATHO
DATE OF HEARING	**:**	**17 NOVEMBER 2023**

DATE OF JUDGMENT : 14 DECEMBER 2023