



THE SUPREME COURT OF APPEAL  
REPUBLIC OF SOUTH AFRICA

**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

From: The Registrar, Supreme Court of Appeal

Date: 28 September 2009

Status: Immediate

*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.*

**SELSLEY FARM TRUST v SIMON MHLONGO**

The appellant, the owner of the farm Selsley in the district of Louis River, KwaZulu-Natal, appealed to the Supreme Court of Appeal against a decision in the Land Claims Court which had declared the respondent to be a 'labour tenant' under Act 3 of 1996.

The Supreme Court of Appeal today upheld the appeal, finding that the respondent had failed to prove an essential element of his case, namely, that his mother had provided labour to the owner or lessee of the farm. While the court accepted that the respondent's mother had worked for a Mr Guy Kimber on the farm, the evidence established that he was not the owner and there was no evidence that he leased the farm. The respondent had thus failed to prove an essential element of his claim which had to fail.