



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal

DATE 25 March 2019

STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

Tadvest Industrial (Pty) Ltd v Anthea Hanekom & others (83/2018) [2019]

ZASCA 19 (25 March 2019)

Media Statement

The Supreme Court of Appeal today struck two appeals from the roll on the ground that it did not have jurisdiction to entertain them. The magistrates' court for the district of Stellenbosch granted orders for the eviction of the Hanekom family and the Jacobs family from a property situated in Stellenbosch. On appeal to the Land Claims Court (LCC) the orders for eviction were set aside. The appellant then applied for and was granted leave by the LCC to appeal to this court. Section 16(1)(c) of the Superior Courts Act 10 of 2013 (the Act) provides for an appeal against any decision 'of a court of a status similar to the High Court' to the SCA. The LCC is a court of such status in terms of s 22(2)(a) of the Restitution of Land Rights Act 20 June 1994. In terms of this section the powers of the LCC are limited to those possessed by a high court in civil proceedings. Consequently, because the high court sitting as an appeal court lacks the power to grant leave to appeal to the SCA, as the special leave of the SCA is required in terms of s 16(1)(b) of the Act, the LCC similarly lacks the power to do so. In the result, the LCC sitting as an appeal court did not have the power to grant leave to appeal to this court. The order granted by the LCC was a nullity and the SCA had no jurisdiction to entertain the appeals.

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