



**IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION, MBOMBELA**

CASE NO: 1904/2023

- (1) REPORTABLE:NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED: YES

28/07/2025

SIGNATURE

DATE

In the matter between:

LISBON DEVELOPMENTS (PTY) LTD

FIRST APPLICANT

MAGIC BREAKAWAYS (PTY) LTD

SECOND APPLICANT

LEGACY GROUP HOLDINGS (PTY) LTD

THIRD APPLICANT

REGISTRAR OF DEEDS: MPUMALANGA

FOURTH APPLICANT

NOMSA MUHLAWURI MANYIKE

FIFTH APPLICANT

MADODA ISAAC TJIE

SIXTH APPLICANT

THEMBA TIBANE

SEVENTH APPLICANT

**MINISTER OF LAND REFORM
AND DEVELOPMENT**

EIGHTH APPLICANT

and

INGRID MHLONGO

FIRST RESPONDENT

JAMES KHUMALO

SECOND RESPONDENT

THUTHANE ADOLPH TJIA

THIRD RESPONDENT

MAJIANE EVELINE MKHANSI

FOURTH RESPONDENT

SAMSON MHLONGO

FIFTH RESPONDENT

FRANK MHLONGO

SIXTH RESPONDENT

This judgment was handed down electronically by circulation to the parties and/or parties' representatives by email. The date and time for hand-down is deemed to be 28 July 2025 at 10:00.

JUDGMENT

Mashile J

[1] On 19 February 2025, this Court granted an order in favour of the Respondents in the following terms:

- “1. The resolution of the Trustees of the Nhlanguwini Trust (registration number IT 1476/04 dated 12 January 2021, as well as any agreements signed by any person in terms of that resolution, are declared invalid, void, and unlawful.
2. The transfer of the fixed properties known as the remainder of the Farm Lisbon 297 registration division KU, Mpumalanga and Portion 6 of the Farm Lisbon 297 registration division KU, Mpumalanga from the Nhlanguwini Trust to the First Respondent is declared unlawful and is set aside.
3. The Fourth Respondent is directed, in terms of the provisions of section 6(2) of the Deeds Registry Act 47 of 1937, to cancel the Deed of Transfer T488/2022 within four weeks of the date of service of this order upon the Lisbon Developments and the Former Trustees.
4. Lisbon Developments and the Former Trustees are directed to pay costs of the Applicants including costs of two counsel where applicable.”

[2] The order above did not sit well with the First to Third Applicants (“Lisbon Developments”) and the Fifth to Seventh Applicants (“the Former Trustees”). In consequence, they launched this application for leave to appeal against the whole judgment and order of this Court asserting that this Court erred both in law and fact in various respects, including in the application of trust law, the interpretation of the Alienation of Land Act 68 of 1981 and the treatment of disputed facts in motion proceedings. Furthermore, the appeal, if granted, will have reasonable prospect of success. It will also raise issues of substance and public importance, affecting the rights and interests of the 148 households that make up the Nhlanguwini community (“the Community”).

[3] The judgment and order are challenged on several grounds on which I have profoundly reflected. I still stand by the judgment and order that I handed down on several of those grounds. That said, it will not assist to address each one of them especially in circumstances where I have concluded to grant leave anyway. This matter concerns the sale, management and development of reinstated land that is owned by a trust for the benefit of the community in which it exists. The main consideration to grant leave is the

Appearances

Counsel for the Applicants:	Adv A Bishop SC Adv S Mathe Adv R Godlett Adv N Tarmohamed
Instructed by:	Staruss Scher Attorneys for 1 st to 3 rd Applicants Mculu Inc Attorneys for 5 th to 7 th Applicants
Counsel for the Respondents:	Adv T Ngcukaitobi SC Adv N Seme
Instructed by:	Richard Spoor Inc C/O Christo Smith Inc
Date of Judgment:	28 July 2025

magnitude of the matter and that issues like the current are likely to surface in other communities, which may fall under different provincial jurisdictions of the High Court. As such, it is necessary that a higher Court finally pronounces on how the sale, management and development of recovered land registered and owned by a trust should be handled.

[4] For the above reasons, I agree that the case raises compelling reasons contemplated in Section 17(1)(a)(iii) of the Superior Court Act, 10 of 2013, which provides:

"(1) Leave to appeal may only be given where the judge or judges concerned are of the opinion that –

(a)(i) ...

(ii) there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration;"

[5] Against that background, the application for leave to appeal succeeds and I make the following order:

1. Leave to appeal to the Supreme Court of Appeal is granted;
2. Costs shall be those in the appeal



B A MASHILE
JUDGE OF THE HIGH COURT
MPUMALANGA DIVISION, MBOMBELA