



IN THE FULL COURT APPEAL COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: A2024/016802

1. Reportable: No
2. Of interest to other judges: No
3. Revised

WRIGHT J

27.1.26

In the matter between:

ANDILE AARON MASEKO

APPELLANT

and

MOLEMELA JA

FIRST RESPONDENT

DAMBUZA JA

SECOND RESPONDENT

KHAMPEPE ADCJ

THIRD RESPONDENT

ZONDI JA

FOURTH RESPONDENT

CHIEF JUSTICE

FIFTH RESPONDENT

MINISTER OF JUSTICE

SIXTH RESPONDENT

JUDGMENT

WRIGHT J(STRYDOM J and SENYATSI J concurring)

[1] On 24 April 2020, Mr Maseko signed a notice of motion. The six cited respondents were as cited in the heading to this judgment. Mr Maseko sought orders that decisions, apparently taken by the JSC or the Judicial Conduct Committee, or individual judges, be replaced. An order was sought too, that “ *the government pay damages to the applicant.*” Mr Maseko sought also an order that a labour dispute between him and Sasol be remitted to the Labour Court.

[2] At some stage in the proceedings, Mr Maseko sought leave to amend his notice of motion to quantify the amount of damages claimed to an amount over R63 million. It is not clear if leave to amend was opposed or granted.

[3] The application was opposed. It was dismissed by Olivier AJ on 14 December 2022.

[4] Mr Maseko sought leave to appeal and Olivier AJ granted leave to appeal to a Full Court on 29 May 2023. This judgment was apparently handed down on 5 June 2023.

[5] There is in the file a document, under the above case number, headed “ *Notice of Appeal* “. It is signed by Mr Maseko and dated “ - *February 2024* “.

[6] There is in the heading of this notice only one cited respondent, namely “ *M Olivier* “. This person is presumably the Olivier AJ who heard and dismissed the application and who granted leave to appeal. None of the six respondents cited above are cited in the notice of February 2024.

[7] At the appeal hearing on 26 January 2026, Mr Maseko appeared in person.

[8] Ms Mayet SC, leading Mr A Bleki appeared for the 1st to 5th respondents.

[9] There was no appearance for the sixth respondent.

[10] Mr Maseko confirmed that he sought relief against all named six respondents, including an order that they pay him over R63 million.

[11] Ms Mayet confirmed that her attorney, the State Attorney acted only for the 1st to 5th respondents.

[12] Notice of the set down of the hearing for 26 January 2026 was given by Mr Maseko only to the State Attorney and by email.

[13] Ms Mayet, having taken specific instructions during a break in the hearing, informed us that the State Attorney said they had not been given instructions, by

the 6th respondent, to oppose the main application in the first place as Mr Maseko had not complied with the provisions of the State Liability Act 20 of 1957 regarding service, from the beginning.

[14] Mr Maseko was unable to point to any document showing that service of the original application or the notice of the appeal hearing, relating to the 6th respondent, was adequate.

[15] In these circumstances, we are concerned that the 6th respondent has not been given notice of the hearing.

ORDER

[16] Removed, costs reserved.

WRIGHT J

SENYATSI J

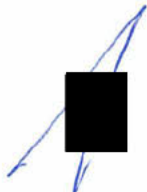
I agree

27.1.26


STRYDOM J

I agree

HEARD : 26 January 2026

DELIVERED : 26 January 2026 

APPEARANCES :

APPELLANT

In person

andilemasekobfg@gmail.com

1st to 5th RESPONDENTS

Adv N Mayet SC

with her

Adv A Bleki

Instructed by

State Attorney

BNkoana@justice.gov.za

6th Respondent

No appearance