



REPUBLIC OF SOUTH AFRICA

35/98

***THE SUPREME COURT OF APPEAL
OF SOUTH AFRICA***

Case No 201/95

In the matter between :

**THE GOVERNMENT OF THE
PROVINCE OF NORTHERN TRANSVAAL**

First Appellant

THE LEBOWA MINERAL TRUST

Second Appellant

and

RAND MINES LIMITED

Respondent

Coram: Smalberger, Zulman, Streicher, JJA et Melunsky, Farlam
AJJA.

Heard: 9, 10 and 11 March 1998

Delivered: 15 May 1998

JUDGMENT

FARLAM AJA.

FARLAM AJA

This is an appeal from a judgment of **Mynhardt J**, sitting in the Transvaal Provincial Division, who found that the rights to granite and marble suitable for use as dimension stone were reserved in favour of respondent in the certificates of rights to minerals in respect of the farms Grootvygenboom 248 and De Kom 252 in the district of Lydenburg.

The appeal was argued together with the case of *The Minister of Land Affairs v Rand Mines Ltd*, an appeal from a judgment of **Comrie J**, sitting in the Bophuthatswana Provincial Division. In that case reservations of rights to minerals in terms which are to all intents and purposes identical to those in this case were considered. For the reasons given in the judgment in that case, which is being handed down simultaneously with this one, the appeal in this case is dismissed, together

with the costs occasioned by the employment of two counsel.

IG FARLAM
Acting Judge of Appeal.

Smalberger JA)
Zulman JA)
Streicher JA)
Melunsky AJA) Concur.