

REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

Case Number: 2024-046911

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

Wright J

25 August 2026

In the matter between:

SAKHUMZI JUBASE

PLAINTIFF

and

MINISTER OF POLICE

DEFENDANT

JUDGMENT

WRIGHT J

1. The plaintiff, Mr Jubase claims for damages from the defendant Minister.
2. Mr Jubase, self-representing, has apparently prepared his own papers. They do not make for easy reading. Recently, Mr Jubase appeared before me in a matter set down for trial. That case is an action against the Minister of Justice and Constitutional Development in which Mr Jubase claims damages. There is apparently a third action pending, against the National Prosecuting Authority.
3. In the action against the Minister of Justice and Constitutional Development Adv M Ndluli appeared for the Minister. In the present action, Adv L Msomi appears for the Minister of Police.
4. I gather, from what I am told from the Bar and from attempting to read the online court file, that on 31 October 2018 a four year old girl was killed when a car was driven backwards and the girl was hit when she was standing next to her mother. I gather that Mr Jubase was arrested as the driver, spent perhaps about two weeks in custody and was in due course charged in the Magistrates' Court with culpable homicide and drunken driving. He was apparently convicted, after a trial in which he apparently pleaded not guilty, on both counts and sentenced to eighteen months' imprisonment for the culpable homicide and to a fine of R5 000 for the drunken driving. It appears that all

attempts to appeal have failed. I was told from the Bar in the previous case that these attempts at appeal include findings against Mr Jubase in the Supreme Court of Appeal and the Constitutional Court.

5. Broadly speaking, it appears to be Mr Jubase's case that he is owed well over R20 million by the three different defendants arising out of the events I have referred to above. I gather that it is Mr Jubase's case that he was not driving his car at the relevant time and that numerous persons lied, leading to his convictions and sentences.
6. Having read the particulars of claim in the present case and in the action against the Minister of Justice and Constitutional Development I do not readily discern causes of action.
7. During the hearing recently in the other case I asked Mr Jubase if the record of proceedings in the Magistrates' Court was available. He seemed to indicate that it was not. It would however appear that at least part of that record, if not the entire record is on the e-file for the present case.
8. In the recent case, I handed down typed, signed reasons for removing that case from the roll.
9. To save the reader the tedium of looking for those reasons I repeat them here.
10. " 1. *The plaintiff, Mr Jubase, in these claims for damages takes the preliminary point that advocate M Ndluli, who appears for the defendant, instructed by the State Attorney is not validly appointed because of alleged non-compliance with procurement requirements. I dismissed the point as*

without substance. Ms Ndluli had stated that she appeared for the defendant as instructed by the State Attorney.

2. The trial could not proceed as:

2.1. There has been no mediation.

2.2. Rule 18(10) of the Uniform Rules, which requires that claims for damages be set out in reasonably sufficient detail to enable the defendant to assess the quantum thereof has not been complied with.

2.3. The summons is difficult to read and appears to be clearly excipiable.

2.4. The record of the proceedings in the Magistrate's Court in which Mr Jubase was convicted of culpable homicide and sentenced to a term of imprisonment is not presently available.

2.5 A special plea relating to non-compliance with statutory notice requirements is not itself ready to be heard.

2.6. Two other related actions against the Minister of Police and the National Prosecuting Authority are apparently coming up for trial and almost certainty need to be consolidated with the present action.

ORDER

1. Removed, costs reserved.

2. Witnesses subpoenaed are excused. “

11. Similar considerations appear to apply in the present case.

12. However, Mr Jubase seeks my recusal from the present case. He asked ADJP Modiba, in an email, to allocate another Judge. He did not copy the State Attorney on this correspondence or on an email to my clerk. ADJP

Modiba declined the request, correctly in my respectful view. In principle, I must deal with the request.

13. Mr Jubase then, I am told, launched an application at the last minute for my recusal.

14. When the matter was called, the legal representative for the defendant, Mr Msomi was not aware of the recusal question at all, let alone the application.

15. I had no choice but to remove the matter from the roll. This was necessary as the State Attorney needed time to consider the application for recusal, call for the recording and transcript of the proceedings before me in the other matter and prepare answering papers if they so wish.

16. I attempted to explain to Mr Jubase the futility of his seeking my recusal from a case which had to be postponed and may well not come before me again but he stood his ground.

17. I have not been able to find a recusal application on record.

18. For these reasons the matter cannot now proceed.

ORDER

1. Removed, costs reserved.


WRIGHT J

Heard 25 August 2026

Delivered 25 August 2026

Appearances

Plaintiff

Mr Sakhumzi Jubase

directme58@outlook.com

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Defendant

Adv L Msomi

Instructed by

State attorney

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