

SOUTH AFRICA / JUDGMENT

Lisbon Developments (Pty) Ltd and Others v Mhlongo and Others (Leave to Appeal) (1904/2023) [2025] ZAMPMBHC 64 (28 July 2025) [2025] ZAMPMBHC 64

COURT

Mbombela High Court, Mpumalanga

BEFORE

Mashile

CASE / FILE NUMBER

1904/2023

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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

DATE:

28/07/2025

SIGNATURE

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 Nhlangwini 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 Nhlangwini 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 Nhlangwini 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 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

Appearances

Counsel for the Applicants: Adv A Bishop SC

Adv S Mathe

Adv R Godlett

Adv N Tarmohamed

Instructed by:

Staruss Scher Attorneys for 1st to 3rd Applicants

Mculu Inc Attorneys for 5th to 7th 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

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/lisbon-developments-pty-ltd-and-others-v-mhlongo-unknown-topic-ampmbhc-2025>

Prepared on 9 October 2026 · Esheria