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Issued by [LexisNexis](#)

13 Nov 2020

The [October index](#) of the free, online [LexisNexis Case Law](#) repository is now available and, once again, highlights some of the interesting precedent setting cases considered by South Africa's courts recently.

Among the more high-profile judgments is that of Malawian Christian preacher, Shepherd Bushiri, who sought to interdict the Department of Home Affairs from withdrawing his family's permanent residence permits and the abeyance of the 30-day period for representations against the withdrawal, pending their criminal trial for fraud and money laundering.

[Cases](#) in the index generally cut across a wide array of legal practice areas, examining complex and often contentious legal concepts.

As always, the free to download LexisNexis Case Law Index details the latest cases from the previous month, as selected by a team of legal experts, to help professionals stay abreast of the latest legal developments. It also provides useful, practical guidance and an understanding of how the law may be interpreted by the court, especially when guidelines may be unclear.

In the Bushiri case, the judge found in favour of the self-proclaimed prophet after considering his right to a fair trial, especially the right to remain silent pre-trial; well-grounded apprehension of harm; and alternative remedies.

In a separate labour law case, the court considered the case of a former employee of a packaged goods company, who claimed that his dismissal for dishonesty was unfair. This was despite his assertion in his application that he had completed a diploma for which he had in fact failed a module. No compensation was awarded after the CCMA found his dismissal procedurally unfair, but with no ensuing prejudice; and substantively fair.

In the case of a disgraced attorney who embezzled a client's payment of R2m against the purchase of a property, the judge considered the merits in terms of the Legal Practice Act, though the conduct of the attorney had to be adjudged in accordance with the law before the repeal of the Attorneys Act. The attorney was subsequently struck from the roll.

Finally, a case concerning misrepresentation inducing marriage saw a wife claiming for patrimonial damages against her husband for fraudulently misrepresenting that he loved her prior to their marriage. The plaintiff raised two causes of action: under the *lex aquilia* for special delictual damages based on the fraudulent misrepresentation; and on the *actio iniuriarum* for the impairment of her dignity.

The judge ruled that it would be contrary to public and legal policy to extend the *lex aquilia* to allow such a claim; and that a long standing rule at common law precludes claims based on the *actio iniuriarum* between spouses. The exception to the claim for general damages under the *actio iniuriarum* failed, while the exception to claim for patrimonial damages succeeded and this claim was struck out.

Legal professionals who want to remain in the know about these and other pertinent cases can access the free October Case Law Index from LexisNexis [here](#).

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specialist series it bears relevance to, with access to case law containing summaries and keywords to help legal practitioners stay up to date.

There is also the dedicated [Case Law](#) blog on the LexisNexis website, and the LinkedIn updates of Louis Podbielski, case law content manager, and Shebash Pillay, law reports managing editor, who each have an active following and post daily Case Law content at <https://www.linkedin.com/in/shebash-pillay-764697185/> and <https://www.linkedin.com/in/louispodbielski/>



Shebash Pillay

### About Shebash Pillay

Shebash Pillay is an attorney who has found her calling in case law as the managing editor of LexisNexis law reports. She has many years' experience in the highly specialised field of law reporting that requires depth of knowledge and meticulous attention to detail. Not only does she manage the team and the publication processes for the many law reports series, but she also reads a variety of cases as they are received from all the courts across the country. She has a passion for the law, legal writing and for serving the legal community.



Louis Podbielski

### About Louis Podbielski

Louis Podbielski is the case law product manager at LexisNexis where he works with both technical and law-reporting teams, harnessing the power of data analytics and artificial intelligence to create tools for improving legal writing and research. In this professional capacity he has read thousands of judgments, both civil and criminal, identifying and scrutinising the important *dicta* for the purpose of case selection and headnote writing. Podbielski has a passion for the rule of law and for building systems and collaborations that improve efficiencies in the legal system.

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