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Issued by [LexisNexis](#)

18 Jan 2021

The November index of the free, online [LexisNexis Case Law](#) repository is now available bringing you up to speed on some interesting precedent setting cases considered by South Africa's courts recently.

November proved to be a busy month for high profile cases in the area of Constitutional law, including Zuma and the State Capture Report and Malema and the Riotous Assemblies Act.

Another matter in the November Index concerns the right of domestic workers to compensation for occupational injuries and diseases. The Constitutional Court noted that 26 years into our democracy, the Compensation for Occupational Injuries and Diseases Act (COIDA) does not offer protection for domestic workers. The Constitutional Court confirmed the High Court declaration that section 1(xix) (v) of the act, which specifically excludes domestic workers from the definition of 'employee', was constitutionally invalid and ordered this be retrospective from 27 April 1994.

Also appearing in the latest index are a number of cases concerning Covid-19 business interruption, where insurance companies were ordered to pay up based on their policy wording.

An insurance company was found liable to indemnify the applicants for business interruption losses caused by the Covid-19 pandemic and the government measures in response. The judge discussed the interpretation of insurance contracts, the disease clause, the causal relationship required and the insurance company's contention that the business interruption was not caused by Covid-19 within a 50km radius of the premises, but the global pandemic and the South African government's response.

In the area of family law, an ex-wife's application to enforce a divorce order and have her ex-husband be held in contempt of that order, succeeded when the ex-husband was directed to pay R1.5m in outstanding payments and interest. He was also declared to be in contempt and committed to prison for 60 days – suspended for two years on condition he pay the R1.5m and comply with the order. Of interest were the many WhatsApp messages over a protracted period submitted as evidence of the contemptuous way the applicant was treated.

Also worth noting is a case concerning a child born with cerebral palsy who passed away at the age of five. The case examined the interpretation of 'parent' in section 1(1)(d) of the Intestate Succession Act, who should be regarded as beneficiaries and how the estate should be divided.

Both natural parents laid claim to the estate, as well as the grandmother who had full parental rights and who was his caregiver until he passed away. In examining the merits of the case, the judge ordered that the mother and grandmother be declared parents for the purposes of section 1 of the act and that they inherit in equal shares from the full estate.

Each month, a team of legal experts selects cases from the previous month to include in the free to download LexisNexis Case Law Index, to help professionals stay abreast of the latest legal developments. The index also provides useful, practical guidance and an understanding of how the law may be interpreted by the court. [Cases](#) in the Index span a wide array of legal practice areas, examining complex and often contentious legal concepts.

To remain in the know about these and other pertinent cases, law professionals can access the free November Case Law Index from LexisNexis [here](#).

As a leading legal technology company, LexisNexis provides access to the widest range of case law, including civil,

criminal, labour, divorce, property and tax. The online [LexisNexis Case Law](#) interface is easy to navigate with indices that allow for ease of access, quick referencing and deeper research. Topical and precedent setting cases provide key insights ensuring that subscribers stay abreast of new developments in the law. Each new case is reviewed to determine which 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/?originalSubdomain=za>.



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.

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 scrutinizing the important *dicta* for the purpose of case selection and headnote writing. Louis 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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