

CURRICULUM VITAE

ARTHUR WILLIAM MARK HARCOURT

Born : 18 March 1949

Educated : Cordwalles, Michaelhouse
First Class Matric (Honours : History)
: BA LLB *cum laude* - Natal University (1972)
MA Oxford (completed BA 1975)

12/02/1973 : Admitted as Advocate of the Supreme Court of
South Africa
also - Admitted as Advocate in Lesotho 1979

01/02/1977 : Commenced practice

December 2008 : Appointed Senior Counsel

May – June 2010 : Acting Judge: High Court

July 2016 : Acting Judge: High Court

Bar Appointments : Member Ethics Sub-committee of General Council
of the Bars of South Africa
Pupillage lecturer in Ethics KwaZulu-Natal Bar for
sixteen years
Previously member of Natal Bar Council

Arbitrations : Arbitration Foundation of SA: Member
Tribunal for Commercial Property: Member
Various private arbitrations

Pupils : The Hon. Mr Justice Sandile Ngcobo Chief Justice
The Hon. Mr Justice Ahmed Jappie
The Honourable Mr Justice Rashid Vahed
Nazeer Cassim SC (AJ)

Appeared in the following reported cases:

1. **de Meillon v The Methodist Church** 1979(3) SA 13.
locus standi of Church
2. **Deedat v The Master** 1998 (1) SA 544 (N).
trustees and charitable trusts
3. **Chapman Dyer v Highmark Investments** 1998 (3) SA 1149.
attorney's fees
4. **Harlow v Becker** 1998 (4) SA 639.
testamentary capacity
5. **Epstein v Bell** 1997 (1) SA 483.
negotiable instruments
6. **Naidoo v Lane** 1997 (2) SA 913.
prescription
7. **Perumal v Govender** 1997 (3) SA.
medical practitioner : salary
8. **Deedat v The Master** 1995 (2) SA 377.
trusts
9. **Kurz v Ainhirn** 1995 (2) SA 408.
summary judgment
10. **Kemp v Republican Press** 1994 (4) SA 261.
defamation
11. **Jenkins v de Jager** 1993 (4) SA 534.
provisional sentence
12. **Harpur NO v Govindamall** 1993 (4) SA 751 (A).
validity of will

13. **Poovalingam v Rajbansi** 1992 (1) SA 283.
parliamentary privilege and defamation
14. **Joosub v J.I. Case SA (Pty) Ltd** 1992 (2) SA 665 (N)
erroneous sale in execution
15. **Minister of Law and Order v Zondi** 1992 (1) SA 468.
superannuation of Magistrate's Court summons
16. **Govindamall v Munsami** 1992 (1) SA 676.
validity of wills
17. **Amalgamated Beverage Industries v Pillay** 1992 (2) SA 163.
negotiable instruments
18. **Khumalo v Director-General Co-op & Planning** 1991 (1) SA158.
formalities for sales of land
19. **Iyman v Natal Witness** 1991 (4) SA 677.
defamation
20. **Saflec Security Systems v Group 5 Building** 1990 (4) SA 626.
vindicatory actions
21. **Bonnet v Schofield** 1989 (2) SA 156.
restraint of trade
22. **Maharaj v Verulam Town Council** 1988 (3) SA 777.
expropriation
23. **Govender v Tongaat Town Clerk** 1986 (4) SA 184 (D).
pactum de non petendo
24. **Ex parte Grice** 1984 (3) SA.
trusts
25. **Starkey v McElligott** 1984 (4) SA 120.
trusts
26. **Randeree v Haffajee** 1984 (4) SA 320.
landlord and tenant
27. **Jasat v Paruk** 1983 (4) SA 728.
defamation

28. **Silver Chrystal Trading v Namibia Diamond Co-op** 1983 (4) SA 884.
passing off
29. **Mulla v Rajkumar** 1982 (1) SA 246.
negotiable instruments
30. **Fisheries Development Corporation v Jorgenson** 1980 (4) SA 156.
misfeasance by company directors and suretyship
31. **Grinrod Cotts Stevedoring v Brocks Stevedoring Services** 1979 (1) SA 239.
shipping
32. **Dawood v Mahomed** 1979 (2) SA 361.
landlord and tenant
33. **Naidoo v Thomas** 1979 (2) SA 505.
landlord and tenant
34. **Narayansamy v Venkathnam** 1979 (3) SA 1360.
partnership
35. **Credex v de Villiers** 1978 (2) SA 25.
attorney and client costs
36. **Credex v Kuhn** 1977 (3) SA 482.
attorney and client costs
37. **Moodley v Scottburgh V Umzinto North TLC** 2000 (4) SA 524.
execution against pension funds
38. **Kanakia v Ritzshelf 1004 CC t/a Passage to India** 2003 (2) SA 39 (D).
liquidation : just and equitable
39. **Makhatini v Road Accident Fund** 2002 (1) SA 511 (SCA).
bodily injuries : amendment of Law of Evidence Act
40. **Commissioner South African Revenue Service v Dyefin Textiles (Pty) Ltd** 2002 (4) SA 606 (N).
income tax : companies
41. **Durbsinvest v Town and Regional Planning Commission KwaZulu-Natal** 2001 (4) SA 103 (N).
town planning

42. **The Master of the High Court v Deedat** 2000 (3) SA 107 (N).
removal of trustee of Islamic Trust
43. **Hoosen v Deedat** 1999 (4) SA 425 (SCA)
invalidity of power of attorney by trustee
44. **Moodley v Reddy** 1985 (1) SA 76 (D)
lex commissoria
45. **Lynn & Main Inc. v Naidoo & Ors** 2006 (1) SA (N)
the admissibility of without prejudice statements as acts of insolvency
46. **Inventive Labour Structuring (Pty) Ltd v Corfe** 2006 (3) SA 107 (N)
formalities for suretyships
47. **Lynn & Main v Mitha N.O.** 2006 (5) SA 380 (N)
peremption of appeal
48. **Moonsamy v Nedcor Bank Ltd** 2004 (3) SA 513 (D)
cession in securitatem debiti
49. **Botha N.O. v Deetleffs** 2008 (3) SA 419 (N)
Universal partnership and deceased estates
50. **Smith v Parsons N.O.** 2009 (3) SA 519 (N)
defective Will: suicide note
51. **Motala v University of Natal** 1995 (3) SA BCLR 374D
First decision on discrimination under the Constitution
52. **Mbatha v van Staden** 1982 (2) SA 260 (N)
damages under the actio injuriarum
53. **Vermaak v van der Merwe** 1981 (3) SA 78 (N)
Defamation and the actio injuriarum
54. **PFE International and Others v Industrial Development Corporation of South Africa Ltd** 2013 (1) SA 1 (CC)
Promotion of access to Information Act
55. **Industrial Development Corporation of South Africa Ltd v PFE International Inc. (BVI) and Others** 2012 (2) SA 269 (SCA)
Discovery and Public Access to Information Act

56. **Firststrand Bank Ltd v Imperial Crown Trading 143 (Pty) Ltd** 2012 (4) SA 266 (KZD)
Winding-up: business rescue
57. **CMC Woodworking Machinery (Pty) Ltd v Pieter Odendaal kitchens** 2012 (5) SA 604 (KZD)
Service by Facebook
58. **PFE International Inc (BVI) and Others v Industrial Development Corporation of South Africa Ltd** 2011 (4) SA 24 (KZD)
Promotion of access to information Act
59. **Firststrand Bank Ltd v Evans** 2011 (4) SA 597 (KZD)
Sequestration: debt relief
60. **Future Rustic Construction (Pty) Ltd v Spillers Waterfront (Pty) Ltd and Another** 2011 (5) SA 506 (KZD)
Review of Arbitration evidence
62. **G Liviero & Son Building (Pty) Ltd v IFA Fair-Sim Hotel & Resort (Pty) Ltd** [2010] ZAKZPHC 44
Provisional sentence on architect's certificate
63. **Thuthugani Contractors (Pty) Ltd v Commissioner South African Revenue Services** [2016] ZAKZPHC 33
VAT debate on diesel for non-road use.
64. **Western Breeze Trading 43 (Pty) Ltd v Engen Petroleum Ltd** [2016] ZAWCHC 42 2010 (4) SA 378 (SCA)
Cession in securitatem debiti
65. **Business Partners Ltd v Yellow Star Properties 1061 (Pty) Ltd** [2012] ZAKZDHC 96
Winding-up
66. **Consolidated Aone Trading and Invest 6 (Pty) Ltd v First Rand Bank Ltd** [2014] ZAKPHC 50
Liquidation and business rescue
67. **Engen Petroleum Ltd v Van Loggerenberg NO** [2014] ZAFSHC 130
Provisional sequestration of trust: tacit relocation of credit agreement
68. **Moodley v Renasa Insurance Co. Ltd** [2016] ZAKZDHC 91
Amendment of excipiable allegations, prescription

69. **First Rand Bank Ltd v Wayrail Investments (Pty) Ltd** [2012] ZAKZDHC 91
Liquidation: inability to pay debts
70. **Heyns NO v Starsaway Investments 102 (Pty) Ltd** [2011] ZAKZPHC 41
Liquidation: quasi partnership
71. **European Metal Trading (Africa) (Pty) Ltd v Lee Metals CC** [2012] ZAKZDHC 42
Ejectment
72. **Business Partners Ltd v Westville Manor House (Pty) Ltd** [2011] ZAKZDHC 54
Liquidation: bare denial of indebtedness
73. **Fulton v Fisser** [2008] ZAKZHC 110
Debt counsellors
74. **Moore NO v Du Toit** [2009] ZAKZPHC 66
Sequestration of trust: cost where scurrilous allegations about Master
75. **Mia v Deacon** [2015] ZAGPJHC 97
Sequestration: principal asset overseas yacht
76. **Engen Petroleum Ltd v Plastic Brown Containers** [2016] ZAKZDHC 20
Winding up: in ability to pay
77. **First Rand Bank Ltd v Jackson** [2014] ZAKZDHC 30
Summary judgment
78. **Persadh v J Wyles NO & ors** [2012] ZAKZDHC 46
Co-ownership interdict
79. **KwaZulu-Natal Law Society v Sharma** [2017] 3 ALL SA 264 (KZP)
Striking off of attorney
80. **B Langton Construction Cc v Quipmore Business Finance (Pty) Ltd** [2013] ZAKZPHC 23
Setting aside of arbitration award