



REPUBLIC OF SOUTH AFRICA

HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA

Pretoria High Court Building, c/o Madiba & Paul Kruger Streets, Room 6.13 6<sup>th</sup> Floor

Tel: (012) 492 6790 E-mail: [mxulu1@judiciary.org.za](mailto:mxulu1@judiciary.org.za)

FROM THE CHAMBERS OF MADAM JUSTICE FRANCIS-SUBBIAH

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17 MAY 2024

**DIRECTIVE FOR FAMILY COURT MOTIONS BEFORE  
JUDGE FRANCIS-SUBBIAH**

**WEEK 6: 20-24 MAY 2024**

- [1] Kindly take note that ROLL CALL will commence on **Monday, 20 MAY 2024, at 10h00, in OPEN COURT** where **unopposed divorces will be heard and individual time slots for other matters will be allocated.**
- [2] If cases were not ready at time of filing at 12:00 on 17 MAY 2024, (i.e. all relevant affidavits filed and the case indexed and paginated), they will not be heard, unless there is good cause or exceptional circumstances.
- [3] No piece-meal filing of affidavits will be allowed.
- [4] All cases **MUST** be uploaded on Caselines. If any problems are experienced, the Judge's Registrar should be contacted **TIMEOUSLY**.
- [5] In unopposed divorce matters ensure:
- 5.1 Return of Personal Service on defendant;
  - 5.2 Defendant's Notice of withdrawal of defence and counterclaim where applicable;
  - 5.3 Confirmatory affidavit of Applicant;
  - 5.4 An endorsement by the family advocate where there are minor children;

- 5.5 Affidavit by legal practitioner confirming that the original marriage certificate, and identity documents of the parties have been verified.
- 5.6 Divorce order with certified copy of settlement agreement fully signed and dated. Original settlement agreement produced at court.

[6] A practice note for non-divorce matters must be filed on Caselines setting out the following:

- (a) The nature of the relief sought;
- (b) The grounds for urgency and brief summary of the urgency of the matter if urgent;
- (c) Has service by the Sheriff been effected? If not, why not?
- (d) Except with pending litigation, service by e-mail to attorneys + service affidavit
- (e) Is the matter opposed or not;
- (f) The estimated duration for argument;
- (g) Total number of pages;
- (h) Brief summary of the factual as well as the legal issues involved;
- (i) The main issues to be considered;
- (j) Rule 43 applications must contain financial disclosure and summary where applicable;
- (k) Contact details of the legal practitioners, which must include both  
cellphone numbers and email addresses.

[7] In all opposed matters, heads of argument are to be filed by both parties **before 16h00 on Friday, 17 May 2024**

[8] Parties who wish to have their matters heard *in camera*, should inform Mr Xulu by no later than Monday, 20 MAY 2024 at 09h00 by e-mail on [mxulu1@judiciary.org.za](mailto:mxulu1@judiciary.org.za)

[9] If there is non-compliance with the practice directive, the matter will be struck from the roll, unless good cause is shown for non-compliance.

Yours faithfully

**(ELECTRONICALLY GENERATED; NOT SIGNED)**

Mpilo Xulu (079 154 3939)

Registrar to: Honourable Justice Francis-Subbiah J

Gauteng Division, Pretoria