

Yvonne Badenhorst

From: Ashley Ndzukula <ANdzukula@judiciary.org.za>
Sent: Friday, 22 April 2022 12:52
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Subject: Unopposed motions directive (00000002)
Attachments: Unopposed motions directive (00000002).docx

Good day all

Please find attached hereto a directive in respect of matters in front of Du Plessis AJ on 25th as well as 29th April 2022.

Please note again, that the matters will be decided on the papers without counsel/parties having to present oral submissions. This is so except where a call is made during the course of today by myself to counsel who will need to appear.

I hope you find the above in order.

Kind regards
Ashley Ndzukula
Registrar to Du Plessis AJ

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High Court of South Africa
Gauteng Division
25 April 2022 to 29 April 2022

Notice regarding the implementation of the Judge President's Directives for the unopposed motion court before Acting Judge E du Plessis

1. All unopposed motions will be dealt with solely on the papers without oral submissions except where parties/representatives are contacted individually to make such oral submissions via Microsoft Teams'.
2. Should a matter become settled or parties agree to remove a matter from the roll, my registrar should be notified of same fact.
3. **Draft orders** must be loaded on CaseLines and emailed to andzukula@judiciary.org.za in Word format.
4. **Divorces** will be dealt with on paper if all the requirements, as set out in the applicable Directives issued by the Judge President, are adhered to. In this regard, the Directive of 11 June 2021 (from paragraph 135) is important. The Directive emphasizes that where the interest of minor children is involved, settlement agreements must be endorsed by the Office of the Family Advocate. Where divorces are settled, written confirmation of both parties, or their legal representatives, must be uploaded wherein it is confirmed that the parties are aware that the matter is proceeding on the application date.
5. A **comprehensive practice note** stating the nature of the application and the date on which the application is on the roll, should be filed on CaseLines by the latest Thursday, 21 April 2022. Council must have regard to the Judge President's Directive of 11 June 2021 (from paragraph 127). The note should set out:
 - a. Was the matter previously postponed? If so, why.
 - b. If the papers consist of more than just the application in court, the application must be adequately identified by reference to the page number to avoid a search for it.
 - c. If service by the Sheriff was not necessary, it must be clearly stated why not, and the form of service must be identified by referring to a page number / CaseLines number.
 - d. If personal service is required (e.g. sequestration, divorces, Rule 46A applications), it must be stated. If this was not done, reasons must be provided.
 - e. Where practice or legal requirements must be complied with (e.g. R46A applications), compliance with those requirements must be clearly stated and identified in the papers with reference to the page numbers / CaseLine numbers and paragraphs.

- f. If the papers are in order, this must be clearly stated. If not, any issues must be identified.
 - g. The notice should state whether the matter may be disposed of on the papers in the absence of an oral hearing or whether counsel requires an oral hearing and make whatever submission they deem relevant and important for the disposal of the matter.
 - h. If an Applicant wants to add any written submissions about the unopposed matter, the written request must also be included in the practice note.
 - i. The note must give an email address and a cell number of the Legal Practitioner/Counsel moving the matter to enable the Judge to make contact about an oral hearing by video conference or otherwise.
- 6. If the court must consider other information, the practice notice may state it.
 - 7. Failure to file a practice notice in compliance with this notice, dealing with each paragraph separately, may result in the application being struck from the roll.
 - 8. In applications where heads of argument must be filed, a failure to do so may result in the application being struck off the roll.
 - 9. Counsel is requested to regard the "Widely Shared Note" function on CaseLines, as queries may be raised using this function.
 - 10. Communication with this office must be done by email to Mr Ashley Ndzukula at andzukula@judiciary.org.za

E du Plessis

Acting Judge of the High Court