

Yvonne Badenhorst

From: Ellick VanDerMerwe <EVanDerMerwe@judiciary.org.za>
Sent: Friday, 24 February 2023 09:52
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Cc: Salome Malatji; Olebogeng Rapoo; Avela Mbelani; Tumi Motswasele; Michael Morema; Mbali Mahlangu; PublicEmailPTA; PublicEmailPTA2; Hantie H. Havenga; Mbali Mahlangu; Fhatuwani Mukona; Tryphina Legodi; Zanele Manyathi; 'faith.manyathi@gmail.com'; Allen-Jane AVanDerWalt; Eva Malesela; Michele Campbell; Rector Kganedi; Karabo Munene; Zanele Manyathi; Gcobisa Mahluthshana; Silas Maluleke; Mashala Abram (DoJ&CD Contact); Zanele Manyathi; Katlego Mehlae
Subject: Outcomes - UNOPPOSED 24 FEBRUARY 2023 JUDGE KHUMALO J (Ms)
Attachments: Directive - UNOPPOSED - 20 22 & 24 Feb 2023 [KHUMALO J (Ms)].pdf; Outcomes - UNOPPOSED 24 FEBRUARY 2023 JUDGE KHUMALO J (Ms).pdf

Dear all,

Please find attached for your attention.

Regards,

Mr Ellick van der Merwe
Judge's Registrar
Cell: 083 644 3211 (SMS/WhatsApp)



**HIGH COURT
GAUTENG DIVISION
PRETORIA**

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REPUBLIC OF SOUTH AFRICA

OFFICE OF THE HONOURABLE MADAM JUSTICE KHUMALO

HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA

Pretoria High Court Building, c/o Madiba & Paul Kruger Streets, Room 3.6

Tel: (012) 492 6726 E-mail: evandermerwe@judiciary.org.za

16 February 2023

Dear Advocate/Sir/Madam

UNOPPOSED MOTIONS

BEFORE JUDGE KHUMALO (Ms) IN 2023 TERM 1 WEEK 6 (20, 22 & 24 February 2023)

1. Kindly be advised that there will be no court appearance. All matters are to be decided on paper unless indicated otherwise by the Judge's Registrar who will notify the affected parties for oral submissions virtually.
2. A Practice Note comprehensively indicating the issues to be decided upon in the matter should have been uploaded on Caseline along with an Draft Orders in word format as well as to be emailed to the Judge's Registrar (Mr Ellick van der Merwe) by no later than 12h00 on Friday 17 February 2023, for matters to be heard on Monday 20 February 2023, no later than 12h00 on Tuesday 21 February 2023 for matters to be heard on Wednesday 22 February 2023 and no later than 12h00 on Thursday 23 February 2023 for matters to be heard on Friday 24 February 2023.
3. Failure to file a comprehensive Practice Note will result in the matter being struck off the roll. No Practice Note will be accepted after the due date and time. Any further submissions deemed necessary by Counsel can be emailed to the Judge's Registrar according to the time frames set out in paragraph 2.
4. **The Practise Note must to contain detailed contacts particulars** (Cell numbers and email addresses).
5. No further documents are to be uploaded after the cut-off time indicated in the practice manual as read with the practice directive of this court unless with the express permission



of the Honourable Judge Khumalo. Non-Compliance will result in the matter being removed from the roll due to papers not being in order.

6. Only in matters in which the Judge requires oral submissions, will Counsel be contacted and directed to log on to MS Teams at a particular time. The link will be emailed either the day before the hearing or on the morning thereof. The Applicant in each matter is tasked with providing the Judge's Registrar with their email addresses for further communication if necessary.
7. An outcome roll, with reasons in the event of orders not being granted, will be circulated for litigants' benefit. **Litigant are required are to follow the Judge's directive in the event that draft orders need to be amended and such needs to be loaded unto Caseline and emailed.**

Yours faithfully

(ELECTRONICALLY GENERATED; NOT SIGNED)

Mr E van der Merwe

Judge's Secretary

The Honourable Judge KHUMALO (Ms)

Tel No: (012) 492 6726

Cell No: 083 644 3211 (WhatsApp only)

E-mail: evandermerwe@judiciary.org.za

Adv Jacobz albe@gkchamber.co.za

4. **M P NKUNA** VS **MEC OF HEALTH, GAUTENG** **3796/22**
Notes: Application for condonation- notice to oppose filed.
Outcome: Matter to be removed from the roll
Adv Mogoatsane; tefomogoatsane@gmail.com
5. **SB GUARANTEE** VS **C J SWANEPOEL+4** **16761/22**
Notes: Default Judgment & Rule 46 A Application – Notice to Defend filed
Outcome: Matter removed as per the Draft Order
Adv Mogale advmogale@otlook.com
6. **FIRSTRAND AUTO LTD** VS **TOP OF AFRICA SAFARIS CC** **11991/21**
Notes: Default Judgment and Rule 46A
Outcome: Suspended until 10h30 - Draft Order on case line01—5-010-8 is to be considered
Adv
7. **FNB BANK LTD** VS **N R NEBE** **29642/22**
Notes: Default Judgment and Rule 46A Application
Outcomes: The Draft Order on case line B12-B14 to be amended to exclude paragraph 7 is to be made an order of court
Adv J Minnaar minj@law.co.za
8. **E M JANSSEN** VS **MASTER OF COURT ,PTA** **30024/22**
Notes: Declaratory Order relating to will.- The Notices dated 25 January 2023 set the matter down for hearing on 23 and 24 February 2023, but were purportedly served on Respondent on 12 August 2022 whilst the Notice of set down dated 1 August 2022 for hearing on 27 October 2022 was also served on 12 August 2022. No Court Order or explanation on practice note regarding outcome on 27 October 2022 per Adv Coertze.
Outcome: Matter struck off the roll -
Adv Barreiro catarina@gkchambers.co.za

9. NEDBANK LTD VS J J CRAFFORD+6 33572/22

Notes: Default Judgment Application – If immovable property intended to be executed the primary residence of the alleged debtor/s? Rule 46A applies only to the (Judgment) debtor whose primary residence is the mortgaged property on whom personal service is to be effected. Updated statement of account must be filed– service on all 7 Respondents by affixing at the main gate of all the *domicilium* addresses - Door or stand no 822 not included on address in an estate where there is no security and right of admission reserved. 4th Respondent said to have moved offices.

Outcome: Matter postponed for effective service on 1st, 2nd, 3rd, 5th, 6th and 7th Respondent and for service personally on 5th Respondent.

Adv Richard conrad@clubadvocates.co.za

10. FIDELITY CORPORATE VS V CHETTY 16254/22

Notes: RULE 31 (5) Application –Summons by affixing at the gate – Notice after 6 months served only by email – No proof of consent for service by email and or confirmation that e mail address received.

Outcome: Matter postponed sine die for service at Defendant's residence.

Adv Lerm lerm@lawcircle.co.za

11. E GOVENDER VS DG HOME AFFAIRS 034869/22

Notes: Application to compel consideration of Applicant's Application for a naturalisation certificate

Outcome: The Draft Order on case line is to be amended on paragraph 2 to read “within 30 days” and costs reserved. The amended Draft Order is to be made an order of court

Adv Smith; brandonsmith3282@gmail.com

12. FALCON VIEW ESTATE VS COMPANIES INTELLECTUAL 018139/22

Notes: Application for restoration of Company registration in terms of 83 (4) (a) read with s 82 (4) of Act 71 of 2008 - Failure to comply with court order, still no service effected on 7th Respondent – No updated Practice Note – No set down for 24 February 2023

Outcome: Matter struck off the roll

Adv Roos wroos@rsabar.com

13. K H MUNYAI VS DG HOME AFFAIRS 007052/22

Notes: Application to compel - Was set down for hearing on 15 January 2023 -

Outcome: Matter removed from the roll

Adv

14. L FILIPOV VS E MAUVHELWANA 051374/22

Notes: Ex parte Application in terms of S 4 (2) of the PIEU Act - Draft Order & practice note

Outcome: Draft Order on case line 07-1- 07-2 is made an order of court

Adv Z Schoeman zjaan@webmail.co.za

15. MAILING & MECHANISATION VS DIAMOND PANEL BEATERS 029222/22

Notes: Application was on roll on 15 February 2023 – No set down for 24 February 2023

Outcome: Matter removed from the roll

Krynauw Attorneys; frik@krynauwlaw.co.za

16. STD BANK LTD VS O L MUDAU 45056/19

Notes: Rule 35 (1) A Default Judgment- Summons by affixing- Updated certificate of balance and NCR Certificate to be filed-

Outcome: Matter postponed sine die.

Adv N Latief nlatief@lawcircle.co.za

BY THE TIME THIS ROLL WAS FINALISED THE UNDERMENTIONED COURT ONLINE

MATTERS WERE NOT DISPLAYING DOCUMENT ON CASELINE

17. S C STEPHENS VS B A NORTON 040806/22

18. M D TALA VS F E EKOKO 009019/22

