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**Sent:** Thursday, 17 November 2022 16:26  
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**Cc:** Precious Vilakazi; Tumelo Ledwaba  
**Subject:** RE: URGENT COURT 18 NOVEMBER 2022-25 NOVEMBER 2022  
**Attachments:** URGENT COURT DIRECTIVE - 18- 25 NOVEMBER 2022 (1).pdf; URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 22nd NOVEMBER 2022 (00000002).pdf

**Importance:** High

Good day

Please the attached consolidated urgent court roll of 22 November 2022 and the directive enclosed herein.

I trust the above is in order.

WARM REGARDS  
MS. KATLEGO SEBOLA

High Court of South Africa  
Gauteng Division Pretoria  
Secretary to the Honourable Justice Nyathi  
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**REPUBLIC OF SOUTH-AFRICA**  
**THE HONOURABLE JUDGE JS NYATHI**

HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION  
P O Box 442, PRETORIA

TO: ALL PRACTITIONERS

17 NOVEMBER 2022

**IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE  
DATED 11 JUNE 2021 FOR THE URGENT COURT OF 18 NOVEMBER  
2022 (16:00) TO 25 NOVEMBER 2022 (16:00) BEFORE JUDGE NYATHI  
AND JUDGE COWEN.**

1. All applications which have already been enrolled by 12:00 on Thursday 17 November 2022 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will later be distributed Judge Mali and Judge Millar after the allocation of matters have been finalised.
2. All applications should already have been uploaded on Caselines as required in terms of par. 172 - 183 of the JP's Directive of 11 June 2021. When an application is brought for Tuesday at 10:00 the applicant must ensure that all the relevant papers are filed by the preceding Thursday at 12:00. **If an application has not been filed, i.e. all papers fully uploaded by 12:00 on Thursday 17 November 2022** (when the roll closed, and subject to the degrees of urgency), the application may not be heard and may be struck off the roll (Practice Directive, Annexure "A" to 13.24, par [4], sub par 3, p H2-139). Papers which have not been properly indexed and paginated also run the risk of being struck off the roll.
3. **In all matters** (opposed and unopposed) **a Practice Note as well as Heads of Argument** must also be served and filed (**on Court online and Caselines only and not to be sent to the Judge's secretary**) by all parties concerned. The application will then be adjudicated by means of an oral hearing, unless there

is a written indication that it will not be necessary. Oral hearings will be conducted via Microsoft Teams, subject to a time limitation, if necessary.

4. **Failure to file Practice Note(s) and/or Heads of Argument timeously, will be an indication that there is no appearance for the party concerned and the application may then either be struck off the roll or be dealt with in the absence of such party.**

5. The **practice note** must indicate at least the following (to assist the Judge who will do the allocations and for both judges to be used in their preparation):

5.1 Particulars and **contact details** of the legal practitioners;

5.2 **Nature of the relief sought** (without referring to the notice of motion);

5.3 **Total number of pages;**

5.5 **A brief summary of the factual as well as legal issues involved;**

5.4 A clear indication (without referring to the heads of argument) which portion of the papers must be read and which not;

5.5 The **main issues** to be considered;

5.6 A **brief summary of the urgency** or absence thereof;

5.7 Whether there was **service by the sheriff**, and if not, why not (unopposed applications);

5.8 Estimated **duration**;

5.9 Whether the matter is **opposed or not**.

**Failure to file a practice note setting out all the above information, par by par individually, may result in the application be struck off the roll and a punitive cost order be granted.**

**If any matter is not accessible on caselines by no later than Friday 18 November 2022 at 12:00, may result in the application be struck off the roll.**

6. The **Practice Note** must be served and filed (**on Court online and Caselines only**) **by no later than Friday 18 November 2022 at 12:00 and the Heads of Argument by no later than Monday 21 November 2022 at 10:00 (on Court online and Caselines only)**. The applicant must also set out the reasons, in the Heads of Argument, why the matter is so urgent that it must be heard during the week concerned, by referring to the evidence in the founding affidavit. In unopposed matters the applicant must also indicate, in the practice note, where in the court papers the **Sheriff's return of service** is to be found.
7. The Practice Directive regarding Urgent Applications (Chapter 13.24) will still apply (to opposed and unopposed applications) and the Rules pertaining to urgency **will be strictly enforced**. Compliance with annexure "A" (13.24), more particularly par [4], subparagraphs (1) to (11) thereof, as referred to in paragraph 11 of Chapter 13.24 of the Practice Manual, will also be strictly enforced. **If a matter is not ready to be adjudicated on the date and the time indicated in the notice of motion (subject to the degrees of urgency) and/or not so urgent as indicated in the Rules and the Practice Directive, it may be struck off the roll in which event a punitive costs order may be made.**
8. **All new applications**, after hours or during court hours, must first be brought to the attention of Judge Nyathi's clerk (from 16:00 on Friday 18 November 2022 to 08:00 on Monday 21 November 2022, these must be brought to the attention of Judge Cowen's clerk). In this regard the provisions of paragraph 7.1 to 7.4 of Chapter 13.24 of the Practice Manual will apply *mutatis mutandis*. All the provisions regarding the **Practice Note and Heads of Argument** referred to above, will apply *mutatis mutandis* to all new applications. **All Rules and principles regarding urgency will also apply to these applications and will be strictly enforced.** The urgent Court cellular number for Pretoria is: **065 859 4819.**
9. Filing of papers which were **impossible** to upload on Caselines, must be done via email to the Judges' clerks, **with an affidavit** explaining what steps were taken to upload, when and by whom the steps were taken and why it was not possible to upload on Caselines. The judge's clerk must then be informed telephonically that an email has been sent.

**Particulars of the clerk of Judge Nyathi are as follows:**

Ms Katlego Sebola

Tel: 012 492 6754

Email: KSebola@judiciary.org.za

**Particulars of the clerk Judge Cowen are as follows:**

Ms Precious Vilakazi

Tel: 012 315 7451

Email: PVilakazi@judiciary.org.za

10. It should finally be pointed out that there is a growing tendency (especially during the lockdown period and during recess) **to abuse the urgent court in two ways: First**, to set matters down which are not ripe for hearing, not being urgent or where self-created urgency is applicable. **This will not be allowed. Second, the urgent court is not intended to hear complex factual and/or legal issues** scattered over hundreds of pages and which may take a long time to consider and finalise (when new matters may also be encountered on a daily basis in the urgent court). This will prevent other parties having their matters be adjudicated in time. **Such complex cases may be removed from the roll and the parties may be referred to the Deputy Judge president to be allocated a special court at some time in future** (cf Practice Manual, annexure "A" to 13.24, par [4] sub par (10) and (11), page H2-141).
11. All practitioners are requested to prepare a **draft court order by using "MS Word format"** (to allow for alterations) and **to upload it onto Caselines only**. A failure to comply with this request may result in the application be struck off the roll.
12. It is the duty of the applicant's attorney to ensure that the matter is **timeously (before the closing of the roll)** and fully uploaded onto Caselines, with an index to identify and find documents easily, and that the Judge will have access to it.

11. All practitioners are required to attend roll call virtually on Tuesday 22 November 2022 at 10h00.

J.S NYATHI  
JUDGE OF THE HIGH COURT  
PRETORIA.



**Urgent Court Registrar:** Gauteng Division of the High Court, Pretoria  
First Floor, Room 1.37  
Cnr Madiba and Paul Kruger street  
Office No: (012) 315 7429

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**URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 22<sup>nd</sup> NOVEMBER 2022**

**JUDGE: NYATHI J**

**SECRETARY: KATLEGO SEBOLA**

**JUDGE: COWEN J (MS)**

**SECRETARY: NOMA VILAKAZI**

NUMBERS	PARTIES	CASE NUMBERS
1.	KISHUGU HOLDINGS (PTY) LIMITED VS THE MINISTER OF THE DEPARTMENT OF FORESTRY, FISHERIES AND THE INVIROMENTPLUS THREE OTHERS	B39132/2022
2.	UBOMI-TECH SECURIES (PTY) LTD VS RICHARDS PARK BODY CORPORATE PLUS THREE OTHERS	B39194/2022
3.	PHESOLO JACKSON ALEXANDER MPHAFUDI VS ABEL RAMATLHATSWANA SENTLE PLUS TWELFTH OTHERS	9731/2022
4.	NNSI GROUP (PTY) LTD VSTHE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY PLUS TWO OTHERS	2022-018542
5.	AKASIA ROAD SURFACING (PTY) LTD PLUS TWO OTHERS VS CITY OF TSHWANE METROPOLITAN MUNICIPALITY	B39161/2022
6.	SHABANGU PHUMZILE LEAH VS SHABANGU PETRUS WINDJIE PLUS ONE	377/2019
7.	No Documents on Caselines GRACE MAKHUBELA VS MKATEKO BENEDICTUS BILANKULA PLUS ONE	2022-036009



8.	RMS JOINT VENTURE CC t/a RADD'S TRANSPORT VS TRANSNET SOC LIMITED PLUS TWO OTHERS	2022-038072
9.	SULIMA ABOO PLUS ONE VS MUHAMMAD RAEES AYOB	2022-039817
10.	ETAGEGN LUWIFI INDRIAS VS THE MINISTER OF HOME AFFAIRS PLUS THREE OTHERS	2022-027008
11	BRADLEY RICHARD VAN ZEMMEREN VS LEARNED MAGISTRATE MULLER PLUS THREE OTHERS	2022-044670
12.	MAFIHLWASE REAH MKHIZE VS MINISTER OF DEFENCE AND MILITARY VETERANS PLUS THREE OTHERS	2022-045380
13.	IMRAM CASSIM PLUS ONE VS THEEMFULENI LOCAL MUNICIPALITY	2022-045864
14.	ALEMAYEHU TAMIRA FEYISA VS THE MINISTER OF HOME AFFAIRS PLUS TWO OTHERS	2022-046069
15.	PHILLIPS MARTTIENS VAN ECK VS MML SAFETY CONSULTANTS CC PLUS TWO OTHERS	2022-046132
16.	KGOMOTSO MARTHA MATJILA VS EDNA MOSIMA MASALESA PLUS TWO OTHERS	B39913/2022
	Matter not on Caselines	
17.	ROYAL AM FOOTBALL CLUB VS NATIONAL SOCCER LEAGUE PLUS THREE OTHERS	2022-046387
18.	SWALLOWS FC VS AUSTIN KAUNDA WUWOWO PLUS ONE	2022-045818
19.	ARWYP TRAINING INSTITUTE (PTY) LTD PLUS THREE OTHERS VS SOUTH AFRICAN NURSING COUNCIL PLUS ONE	2022-046642
20.	ADVOCATE SENZO WISEMAN MKHIZE VS SOUTH AFRICAN LEGAL PRACTICE COUNCIL	13204/2022
21.	LOPDALE SERVICES AND INVESTMENTS (PTY) LTD PLUS ONE VS THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE	B39926/2022
22.	LEPHELE TAOLANA VS ROAD ACCIDENT FUND	2022-046844
23.	(EX-PARTE) WAYNE PATRICK ANTOINE	2022-047420
		23/11/2022
24.	CLIFFORD VAN DER WESTHUIZEN VS MIERANDA STEENBERG	2315/2022

		24/11/2022
25.	SIFISO NELSON MANGALI <b>VS</b> NOMCEBO PRECIOUS MANGALI	<b>B40128/2022</b>
26.	<b>(EX-PARTE)</b> RALPH FARREA LUTCHMAN PLUS ONE	<b>2022-047717</b>
27.	STEP UP ENGINEERING (PTY) LTD <b>VS</b> CITY OF POWER JOHANNESBURG (SOC) LTD	<b>38122/2020</b>
28.	<b>(EX-PARTE)</b> WILLEM JACOBUS VENTER PLUS ONE	<b>2022-048089</b>
29.	KULA PARTNERS SOLUTIONS SERVICE (PTY) LTD <b>VS</b> DASHANYA THAMBI	<b>2022-048125</b>
30.	LINDELANI LYNNETTE MUSHAVHANAMADI <b>VS</b> ALINGO SIMBAI PLUS ONE	<b>2022-048106</b>
31.	JERMAINE PRIM <b>VS</b> THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES PLUS TWO OTHERS	<b>91816/2019</b>
32.	I – POWER LOGISTICS (PTY) LTD <b>VS</b> TRANSNET SOC LTD PLUS TWO OTHERS	<b>2022-048088</b>
33.	NEW SALT ROCK CITY (PTY) LIMITED PLUS TWO OTHERS <b>VS</b> KILKEN PLATINUM (PTY) LIMITED PLUSSEVENTEENTH OTHERS	<b>2022-042145</b>