

Yvonne Badenhorst

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Sent: Friday, 27 January 2023 15:43
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Subject: URGENT COURT BEFORE THE HONOURABLE JUSTICE MOJAPELO AJ
Attachments: URGENT ROLL AND DIRECTIVE MOJAPELO AJ.pdf
Importance: High

Good Afternoon

Kindly find the attached roll and directive.



KIND REGARDS

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Judge's Secretary
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High Court of South Africa
Gauteng Division Pretoria
c/o Paul Kruger and Madiba Streets, Pretoria, 0002
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**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION PRETORIA)**

TO: ALL PRACTITIONERS

26 January 2023

**IN RE: DIRECTIVE FOR THE URGENT COURT OF 27 JANUARY 2023
(16:00) TO 3 FEBRUARY 2023 (16:00) BEFORE JUDGE VAN DER
SCHYFF AND ACTING JUDGE MOJAPELO**

1. All applications which have already been enrolled by **12:00 on Thursday 26 January 2023 (when the roll closed)** are indicated on the roll for Urgent Applications. Separate rolls will later be distributed for Judge Van der Schyff and Acting Judge Mojapelo after the allocation of matters has been finalised. If cases were not ready at the time of filing on Thursday 26 January 2023, they will not be heard, unless there is good cause or exceptional circumstances are shown. Papers that have not been properly indexed and paginated also run the risk of being struck off the roll.
2. Where a matter is allocated to a specific date and time by the respective judges, an allocation does NOT mean that the matter is sufficiently urgent to be heard on the merits.
3. In all matters (opposed and unopposed) a Practice Note as well as Heads of Argument must also be served and filed (on Caselines only and not to be sent to the Judges' secretary) by all parties concerned. Applications heard during normal court hours will be adjudicated by means of an oral hearing in open court. Applications heard outside of ordinary court hours will be heard either on a virtual platform or in physical court as arranged.
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.

6. The Practice Note, or a supplementary Practice Note must be served and filed (on Caselines only) by no later than Friday 27 January 2023 at 12h00 and the Heads of Argument by no later than Monday 30 January 2023 at 10:00 (on 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) still applies (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. Service of process in all urgent applications must comply with the Rules of Court. Deviations will only be condoned if good cause is shown. Where an agreement was reached by the respective parties' legal representatives to provide for the electronic exchange of papers, this must be specifically stated in the practice note.
9. **All new applications**, during court hours, must first be enrolled through the Registrar of the Urgent Court and brought to the attention of Judge Van der Schyff'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.**
10. The urgent Court cellular number for Pretoria is: 068 104 7107. The number is **only to be used** outside of ordinary court hours. The number is **not** to be used for general enquiries or for any issue. The phone will only be answered after normal court hours.
11. 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 Van der Schyff are as follows:

Mr. Sello Tshetho

Email: STshetho@judiciary.org.za

Cell number: 060 697 7245

Particulars of Acting Judge Mojaelo's clerk are as follows:

Ms. Dipuo Malimole

Email: DMalimakoe@judiciary.org.za

Cell number: 063 097 7543

12. 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 for a special court to be allocated at some time in future** (cf Practice Manual, annexure "A" to 13.24, par [4] sub par (10) and (11), page H2-141).
13. 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. Hard copies of draft orders must be handed up when matters are called.
14. It is the duty of the applicant's attorney to ensure that the matter is **timeously (before Friday 27 January 2023 at 12h00) and fully uploaded onto Caselines**, with an index to identify and find documents easily, and that the Judge will have access to it.
15. Where applications were created on Court online and the Caseline file is not populated with the documentation, a hardcopy of the papers filed of

record must be delivered to Van der Schyff J's chambers by Friday 27
January 2023 at 12h00.



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

Urgent Court Registrar: Gauteng Division of the High Court, Pretoria
First Floor, Room 1.37
Cnr Madiba and Paul Kruger street
Office No: (012) 492 6700

URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 31st JANUARY 2023

JUDGE: VAN DER SCHYFF J

SECRETARY: SELLO TSHEHLO

JUDGE: MOJAPELO AJ

SECRETARY: DIPUO MALIMAKOE

NUMBERS	PARTIES	CASE NUMBERS
2.	TWIN CITY REALTY (PTY) LTD & ANOTHER v THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY & ANOTHER	53254-2021 Mojapelo AJ
4.		B17/2023 Deliver hardcopy by 27/01/2023 @ 12h00
5.		B37/2023 Deliver hardcopy by 27/01/2023 @ 12h00
6.	APTITUDE TRADING ENTERPRISE (PTY) LTD AND 2 OTHERS V CITY OF TSHWANE METROPOLITAN MUNICIPALITY AND 102 OTHERS	33009-2022 Mojapelo AJ
11.	MARCHEL COETZEE V THE CITY OF TSHWANE	004976-2023 Mojapelo AJ Deliver hardcopy by 27/01/23 @ 12:00
12.	INTSHEBE PROPS 7 (PTY) LTD V EKURHULENI METROPOLITAN MUNICIPALITY	005153-2023 Mojapelo AJ

13.	JOHANNA JACOBA ENGELBRECHT V TERESA GENE VERMAAS	005529-2023 Mojapelo AJ
15.	MARCHEL COETZEE V THE CITY OF TSHWANE	4906-2023 Mojapelo AJ
16.	TWIN CITY REALTY (PTY) LTD & ANOTHER V THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY & ANOTHER APPLICATION IN SECTION 20 OF CASELINES	53254-2021 Mojapelo AJ Seems to be a duplicate of nr 2
22.	INNOCENT PATRICE NDZANA-ONANA V NOKULUNGA GOODNESS MTSWENE	2023-005637 Mojapelo AJ
23.	ZANLI ENGINEERING WORKS (PTY) LTD. V. THE CITY OF EKURHELENI METROPOLITAN MUNICIPALITY	005345-2023 No documents deliver hard copy by 27/01/23 @ 12:00
24.	BEETHOVEN DE JESUS BARROS DO SACRAMENTO V THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY	006225-2023 Mojapelo AJ
26.	BENESTE DICKS V SESHWAHLA EDWARD NKADIMENG	2023-006240 Mojapelo AJ
27.	KEYSTONEWORX (PTY) LTD v M COWIN N.O	2023-006243 Deliver hard copy by 27/01/23 @12:00
30.	BIRGITTA ANN-CHARLOTT SVENSSON V PILOT IT (PTY) LTD	03593-2022 No documents deliver hard copy by 27/01/23 @ 12:00
31.	COETZER DE BEER INCORPORATED V DAWID JOHANNES COETZER N.O	B133-2023 Mojapelo AJ
33.	KYRIACOU PAVLOS vs KYRIACOU ELRIZA	53105-2021 Mojapelo AJ
34.	JACOMI VS GARY KEVIN FETTER	B136-2023 Mojapelo AJ