

Yvonne Badenhorst

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Sent: Friday, 31 March 2023 09:20
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Subject: Directive and Roll for urgent court 31 March 2023 to 07 April 2023 (Van Der Schyff J)
Attachments: Amended URGENT COURT DIRECTIVE E van der Schyff (Recess term 1).docx; Van der Schyff J URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 04TH APRIL 2023.docx

Dear counsel

Kindly receive directive and roll.

Regards
Sello

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REPUBLIC OF SOUTH-AFRICA
THE HONOURABLE JUDGE E VAN DER SCHYFF
HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
P O Box 442, PRETORIA

TO: ALL PRACTITIONERS

31 March 2023

**IN RE: DIRECTIVE FOR THE URGENT COURT OF 31 MARCH 2023
(16:00) TO 07 APRIL 2023 (16:00) BEFORE JUDGE VAN DER SCHYFF**

1. All applications which have already been enrolled by **12:00 on Thursday 30 MARCH 2023 (when the roll closed)** are indicated on the roll for Urgent Applications. The matters indicated in the Roll attached hereto, were allocated to Van der Schyff J.
2. Where a matter is allocated to a specific date and time in the Roll distributed by Van der Schyff J, 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 Judge's 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:
 - 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 **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 Whether there was **service by the sheriff**, and if not, why not (unopposed applications);

5.7 Estimated **duration**;

5.8 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 being 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 31 March 2023 at 12h00 and the Heads of Argument by no later than Monday 03 April 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 Baqwa's secretary. 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 Judge's 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 Tshetlho
Email: STshetlho@judiciary.org.za
Cell number: 060 697 7245

12. It should finally be pointed out that there is a growing tendency (especially 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. **Where applications were created on Court online and Caseline file is not populated with the documentation by Friday 31 March 2023, a hardcopy of the papers filed of record must be delivered to Van der Schyff J’s chambers by 31 March 2023 at 14h00 A.M**

E van der Schyff

JUDGE OF THE HIGH COURT, PRETORIA.



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) 315 7429 / 012 492 6700

URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 04TH APRIL 2023

BEFORE JUDGE: VAN DER SCHYFF J (MS)

SECRETARY: SELLO TSHETLHO

All allocations are provisional and subject to change.

NUMBERS	PARTIES	CASE NUMBERS	ALLOCATION
2.	ARTEFLEX (PTY) LTD VS FRANS PIETERS PLUS ONE	2023-024313	Wednesday 5/3 9h00
4.	FOURSIGHT BUSINESS SOLUTIONS VS MINISTER OF HOME AFFAIRS PLUS ONE	2023-024548	Tuesday 4/3 10h00
5.	KOALET PROPERTIES CC VS SIMONE DEUDONNET KOEKEMOER	2023-026185	Tuesday 4/3 10h00
7.	LAURINDO PEREIRA DA SILVA LAGOA VS CHRISTOS HERCULES KYRITSIS PLUS FIVE OTHERS	2023-027496	Thursday 6/3 9h00
10	BIRANUU KIBURUU VS THE MINISTER OF HOME AFFAIRS PLUS FOUR	2023-029052	Tuesday 4/3 10h00
13.	AZHAR BHAIYAT VS LOCAL MUNICIPALITY OF MADIBENG	2023-028017	Tuesday 4/3 10h00
14.	PETRUS JACOBUS NEL VS CARMEN REGINA NEL	39299/2019	Tuesday 4/3 10h00
17.	DANIEL JOHANNES BREDENKAMP HAMMAN VS THE MINISTER OF POLICE PLUS ONE	2023-028171	Tuesday 4/3 10h00

20.	MOKGOADI KEAMOGETSWE CHARDONNAY SIPHIWE VS LEIRESE (PTY) LTD	2023-028385	Wednesday 5/3 11h00
21.	MEDIPOS MEDICAL SCHEME VS SOUTH AFRICAN POST OFFICE PLUS TWO OTHERS	2023-014685	Wednesday 5/3 14h00
23.	SHIRLEY ANN DASILVA VS MICHAEL TOWEEL	2023-028989	Tuesday 4/3 10h00
26.	GERARDINE JONES PLUS ONE VS MINISTER OF HOME AFFAIRS PLUS ONE	55922/2018	Tuesday 4/3 10h00
27.	(EX-PARTE) JOHANNES ZACHARIAS HUMAN MULLER PLUS TWO OTHERS	B1724/2023	Tuesday 4/3 10h00
30.	JENNIFER AFIA KOEHLER VS STEFAN ERNST ROBERT KOEHLER	B1707/2023	Tuesday 4/3 10h00
31.	INCAMERA	2023-030125	Tuesday 4/3 9h00