

Yvonne Badenhorst

From: Etienne Cilliers
Sent: Friday, 21 April 2023 15:16
To: Yvonne Badenhorst
Subject: FW: RE: URGENT APPLICATIONS BEFORE THE HONOURABLE MADAM JUSTICE BAM: 25 APRIL 2023
Attachments: Urgent Court Roll 25 - 28 April 2023.docx; Urgent Court Directive 25 - 28 April 2023.pdf
Importance: High



Etienne Cilliers
General Manager

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From: Thobile Ngcobo <TNgcobo@judiciary.org.za>
Sent: Friday, 21 April 2023 15:06
To: Thobile Ngcobo <thobilengcobo77@gmail.com>; etienne@strydomattorneyssa.co.za; ruan@mariusblom.co.za; moeketsi@raseloinc.co.za; legal2@raseloinc.co.za; reonvdw.law@gmail.com; anmarli@clubadvocates.co.za; jaco@jdmlaw.co.za; henk@lawsb.co.za; adeled@rwattorneys.co.za; liamg@rwattorneys.co.za; litigation2@rrlaw.co.za; oosthuizen@couzyn.co.za; litigation4@rrlaw.co.za; rubyd@rwafrica.com; pgcilliers@rsabar.com; liamg@rwafrica.com; litigation3@rrlaw.co.za; allenatt7@gmail.com; apeens@apalaw.co.za; dhwijnbeek@law.co.za; caselines@jjrinc.co.za; lswales@livingston.co.za; kmgebisa@livingston.co.za; jessie@fhsn.co.za; jonanke@group33advocates.co.za; zinta@jjrinc.co.za; coramari@outlook.com; shakira@fhsn.co.za; m.mnyatheli@law.co.za; john@clubadvocates.co.za; anoeschka@waldickinc.co.za; frik@fvslaw.co.za; latacha@fvslaw.co.za; rvs@rsabar.com; yolanda@vallyattorneys.co.za; fareed@vallyattorneys.co.za; skhosana@rsabar.com; lafontaineattorneys@gmail.com; braam@lhlaw.co.za; 'slpath@gmail.com'; 'info@samla.org.za'; 'info@saflii.org'; 'data@saflii.org'; 'communication@lpc.org.za'; 'jhbadmin@law.co.za'; 'admin@pabasa.co.za'; 'admin@clarks.co.za'; 'anton@tonkinclacey.co.za'; 'info@jaa.org.za'; 'Chantelle Gladwin-Wood' <gladwin-wood@schindlers.co.za>; 'Issa@Issa.org.za'; 'danievl@webmail.co.za'; 'ffdocrat@rsabar.com'; 'fiona@Issa.org.za'; 'joewadee@telkomsa.net'; 'tiaan@joubertlaw.co.za'; Motsi Modike (DoJ&CD Contact) <MMotsi@justice.gov.za>; 'gcb@mweb.co.za'; 'jhbar@law.co.za'; 'nfa.advocates@gmail.com'; 'gautengnbcsa@outlook.com'; 'North Gauteng Advocates' <northgautengadv@gmail.com>; 'baradmin@law.co.za'; 'info@nationalbarcouncil.co.za'; 'ntsebeza@mweb.co.za'; 'ptabar@law.co.za'; 'fazoe@nadel.co.za'; 'Allyson Crutchfield' <crutchfield@law.co.za>; 'info@bla.org.za'; 'reform@justice.gov.za'; 'muzis@law.co.za'; 'mklein@icon.co.za'; 'Chantelle Gladwin-Wood' <gladwin@Schindlers.co.za>; 'lawson@casac.org.za'; 'Varsha Sookdhaw' <Varsha.Sookdhaw@cdhlegal.com>; info@churchsquarebar.co.za; 'kmoleya@fasken.com'; 'Joseph.Machacha@cdhlegal.com'; 'ramola.naidoo888za@gmail.com'; 'reception@loftusadv.co.za'; Phahlane Mohube (DoJ&CD Contact) <MPhahlane@justice.gov.za>; Dhulam Vijay (DoJ&CD Contact) <VDhulam@justice.gov.za>; 'Stephen Roy Allcock' <Sallcock@juta.co.za>; 'bassonbetsie@gmail.com'; 'Enrico Guarneri' <EnricoG1@legal-aid.co.za>; 'Johannesburg-FA@justice.gov.za'; 'Pretoria-FA@justice.gov.za'; 'Palmridge-FA@justice.gov.za'; 'herman.percival@gmail.com'; 'mikem@bm-attorneys.co.za'; 'procforum@lpc.org.za'; 'agrobler@cknet.co.za'; 'hpgrabler@cknet.co.za'; 'ltheron@cknet.co.za'; 'aam@albert-a-marais-attorneys.co.za'; 'tvm@albert-a-Marais-attorneys.co.za'; 'cmabuza@live.com'; 'lephadi@sheriffrandburgsw.co.za'; 'marks@sheriffjc.co.za'; 'june@sheriffjhbssouth.co.za'; 'enricoagostino@gmail.com'; 'inge@saflii.org.za'; 'aicajee@law.co.za'; 'lephadi@sheriffrandburgsu.co.za'; 'MasheP@saps.gov.za'; 'info@sheriffjhbssouth.co.za'; 'ken@law.co.za'; 'J Gildenhuys' <gilden@law.co.za>; 'motimelesc@law.co.za'; 'nasreen@budlender.co.za'; 'dupreezlegal@gmail.com';

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'fanniek@raf.co.za'; 'LesleighT@legal-aid.co.za'; 'MantitiK@legal-aid.co.za'; Kabini Jacob (DoJ&CD Contact)
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edmond@advocatesa.co.za; sanet@hjkroep.co.za; thys@vzlr.co.za

Subject: RE: RE: URGENT APPLICATIONS BEFORE THE HONOURABLE MADAM JUSTICE BAM: 25 APRIL 2023

Importance: High

Good day,

Kindly see herewith attached amended roll for your kind attention.

Kind Regards

Thobile Ngcobo

-----Original Appointment-----

From: Thobile Ngcobo

Sent: Friday, 21 April 2023 14:10

To: Thobile Ngcobo; etienne@strydomattorneyssa.co.za; ruan@mariusblom.co.za; moeketsi@raseloinc.co.za;
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allenatt7@gmail.com; apeens@apalaw.co.za; dhwiijnbeek@law.co.za; caselines@jjrinc.co.za; lsuales@livingston.co.za;
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Subject: RE: URGENT APPLICATIONS BEFORE THE HONOURABLE MADAM JUSTICE BAM: 25 APRIL 2023

When: Tuesday, 25 April 2023 10:00-16:00 (UTC+02:00) Harare, Pretoria.

Where: Microsoft Teams Meeting

Good day,

Kindly see herewith attached and below Urgent Court Roll, Directive and link for your kind attention.

Kind Regards

Thobile Ngcobo

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 327 396 634 162

Passcode: uVAxwk

[Download Teams](#) | [Join on the web](#)

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**OFFICE OF THE HONOURABLE MADAM JUSTICE N.N BAM J
THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

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Tel: (012) 315 - 7490; Cell: 082 640 7109 / 068 549 4773
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TO: ALL PRACTITIONERS

21 April 2023

**IN RE: DIRECTIVE FOR THE URGENT COURT OF 21 APRIL 2023 (16:00)
TO 28 APRIL 2023 (16:00) BEFORE JUDGE BAM**

1. All applications which have already been enrolled by **12:00 on Thursday 20 April 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 Judge Bam after the allocation of matters has been finalised. If cases were not ready at the time of filing on Thursday 20 April 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. All matters will be heard via the virtual platform Microsoft Teams. 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 may in appropriate cases treated as unopposed.

4. 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 A brief summary of the factual as well as legal issues involved;
 - 5.4 The main issues to be considered;
 - 5.5 A brief summary to substantiate the urgency;
 - 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 be struck off the roll and a punitive cost order be granted.

5. The Practice Note, or a supplementary Practice Note must be served and filed (on Caselines only) by no later than Friday 21 April 2023 at 12h00 and the Heads of Argument by no later than Monday 24 April 2023 at 10:00 (on Caselines only). 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.
6. 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.

7. 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.
8. 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.
9. The urgent Court cellular number for Pretoria is: 068 104 7107. The number is to be used only 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.
10. 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.
11. There is a growing tendency (especially following 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 urgent and or where urgency is self-created. 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. 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).

12. All practitioners are requested to prepare a draft court order and to upload it onto Caselines.
13. Where applications were created on Court online and 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 21 April 2023 at 11h00 A.M
14. LPs are to refrain from contacting the Judge directly, either by way of an email, WhatsApp or phone.

Ms Thobile Ngcobo

Registrar to Bam J

Cell: 082 640 7109



Office of the Registrar of the High Court Of South Africa, Gauteng Division, Pretoria
Private Bag/Privaatsak X67, Pretoria, 0001

Tel No: (012) 315 - 7490; Cell: 082 640 7109 / 068 549 4773

Email: TNgcobo@judiciary.org.za / thobilengcobo77@gmail.com

Urgent Court Roll
25 – 28 April 2023

Before the Honourable Madam Justice Bam J

3.	Robinson Liquors (Pty) Ltd t/a Ultra Liquors Vs The Gauteng Provincial Liquor Board	B1810/2023	25 April 2023 10h00
5.	Elmarie Benecke & Six Others Vs Medbond Fund Managers (Pty) Ltd & Another	B1790/2023	25 April 2023 10h00
6.	Jan Petrus Allen	B1799/2023	25 April 2023

	<p>Vs</p> <p>Hester Christina Mills</p>		10h00
10.	<p>Obstacle Sport Federation South Africa</p> <p>Vs</p> <p>John West Hendricks & Three Others</p>	B1800/2023	25 April 2023 10h00
11.	<p>Nqobizizwe Daniel Buthelezi</p> <p>Vs</p> <p>F.O Ismal Trust t/a Squad Cars Motor Group</p>	2023-029412	25 April 2023 10h00
14.	<p>Lumar Boerdery (Pty) Ltd</p> <p>Vs</p> <p>The Minister of Human Settlements of South Africa: Minister Mmamoloko Nkhensani Kubayi & Five Others</p>	2023-032511	25 April 2023 10h00
22.	<p>Daniro Formwork (Pty) Ltd</p>	2023-033278	25 April 2023 10h00

	Vs Elvis Ndebele Khumalo & Another		
25.	Ex Parte Marthiena Johanna Margaretha Ackerman	B1922/2023	25 April 2023 10h00
27.	Esoph Abdul Mogale Vs Keadimile Agathur Moroka & Two Other	B1873/2023	25 April 2023 10h00
29.	Willem Francois Bouver Vs The Master of the North Gauteng High Court, Pretoria	2023-035390	25 April 2023 10h00
30.	Ex Parte Mohammed Yasseen Khammissa N.O & Another (in their capacities as the duly appointed Trustees of Herholdt Bees en Wild Trust)	2023-035579	25 April 2023 10h00

32.	Ex Parte Johan Francois Engelbrecht	2023-036103	25 April 2023 10h00
34.	Finacial Sector Conduct Authority Vs Private Security Sector Provident Fund & Two Others	76812/2018	25 April 2023 10h00
35.	Abel Jacobus Pienaar Vs Winnyfred Pettula & Another	75697/2018	25 April 2023 10h00