

Yvonne Badenhorst

From: Peter Dithipe <PDithipe@judiciary.org.za>
Sent: Thursday, 06 July 2023 10:31
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Cc: Michele M. Campbell; Nakedi Mohale; Rose Selepe
Subject: URGENT COURT DIRECTIVE BEFORE JUDGE MAKHOBHA AND ACTING JUDGE MOGOTSI 7 - 14 JULY 2023
Attachments: Directive Urgent Court recess term 2 06 July 2023 Hon. Makhoba J.pdf

Good morning all,

The above refers.

Please find the attached directive for your attention and consideration.

Regards 



Mr. Peter Dithipe
Judge's Secretary
Gauteng Division Pretoria
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**CHAMBERS OF HONOURABLE JUSTICE D. MAKHOBA
HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA**

Gauteng Division, High Court Building, C/o Madiba & Paul Kruger Streets,

Office 6.8, 6th Floor Tel. (012) 492 6787/ 076 114 2763

E-mail: PDithipe@judiciary.org.za

06 July 2023

To: All Relevant Legal practitioners

Dear Sir/Madam

DIRECTIVE: URGENT APPLICATIONS FOR THE WEEK 7 - 14 JULY 2023

Judge Makhoba and Acting Judge Mogotsi will hear Urgent Court Applications from Friday, 7 July 2023 at 16h00 until the next Friday, 14 July 2023 at 16h00. You are kindly requested to note the following directives issued by Judge Makhoba and Acting Judge Mogotsi in respect of all Urgent Applications enrolled for hearing during this period.

[1] This directive will be followed by an allocation roll of the urgent applications to be heard during the said week. The roll indicates whether an application will be heard by Judge Makhoba or by Acting Judge Mogotsi.

[2] Mr Peter Dithipe is the secretary to Judge Makhoba, can be contacted at 012 492 6787 / PDithipe@judiciary.org.za or approached at room 6.8 on the 6TH floor in the High Court Building. Ms Rose Selepe is the secretary to Acting Judge Mogotsi

and can be contacted at 012 492 6731 / RSelepe@judiciary.org.za or approached at room 3.12 on the 3rd floor in the High Court Building.

[3] The contact number for Urgent Applications to be heard after-hours is 068 104 7107. This number is operational on weekends and between 16h00-08h00 during the week. This number is not to be used for general enquiries or for any other issue than urgent applications to be heard after-hours. Mr Peter Dithipe will attend to after-hours urgent applications from 16h00 on Friday 7 July 2023 until Monday 10 July 2023. Thereafter after-hours urgent applications will be attended to by Ms Rose Selepe, the secretary to Acting Judge Mogotsi.

[4] Each Judge will individually decide as to the form of hearing for applications to be heard outside of normal court hours.

[5] Urgent Applications on the allocated roll before Judge Makhoba will be heard in open court 6C and 4C, by way of physical hearings during normal court hours (10h00-16h00).

[6] The hearing of urgent applications will commence on Tuesday 11 July 2023. Judge Makhoba and Acting Judge Mogotsi will call their respective roll at 09:30 on that day. Which roll call must be attended by counsel. Removals, settlements, postponements, and *ex-parte* matters will first be disposed of, thereafter specific allocations will be made for the hearing of disputed matters during the rest of the week.

[7] Judge Makhoba and Acting Judge Mogotsi requests that, if possible, hard copies of the court documents be delivered to their respective secretaries at their respective offices by 10 July 2023 before before 12h00.

[8] Where it is impossible or counter-productive to deliver a physical set of court papers to the relevant Judges secretary, these documents must be uploaded on Case-lines and the Judge's secretary must be informed of the same by way of email. In this event, the Judge's secretary must be invited to the matter on Case-lines or Court online with the relevant authorisation to invite others. Such an application will then be heard based on the papers which have been uploaded on Case-lines or Court online

and only matters in which the Judge's secretary has been correctly invited and documents have been properly uploaded shall be considered. Failing which the matter shall be removed from the roll.

[9] In the event that a matter has not been registered on Case-lines or Court online (i.e. where after-hours applications are concerned) and therefore documents cannot be uploaded to this platform, the documents may, with consent of the relevant Judge, be forwarded to the Judge's secretary by way of email.

[10] It is requested by both Judge Makhoba and Acting Judge Mogotsi that a practice note be filed in each application. This Practice Note must indicate:

10.1 The particulars of counsel moving the matter (name, cell phone number and email address)

10.2 A brief summary of the issues to be determined;

10.3 A brief summary of the reasons for urgency;

10.4 The estimated duration of the arguments to be heard;

10.5 If necessary, reasons for failing to bring the application in terms of rules pertaining to urgent applications, and an explanation of why the matter warrants hearing despite such non-compliance.

[11] Both Judge Makhoba and Acting Judge Mogotsi also requests that, apart from the practice note, short heads of argument be filed in each application by council moving the matter.

[12] Practice Notes and heads of argument including copies of caselaw relief upon by counsel are to be delivered in hard copy or forwarded by email to the relevant Judge's secretary before 14h00 on 10 July 2023. No consideration will be given to

documents received after this stipulated time, say for example reasons which must be satisfactorily explained in the Practice Note.

[13] If there is any special request regarding the date or time allocated for the hearing of a matter, such request must be made in writing and sent by way of email to the respective Judge's secretary.

[14] If a draft order is to be granted, three (3) printed copies must be prepared by the applicant.

[15] Any order granted/issued shall be uploaded to Case-lines and Court online after having been signed and stamped by the registrar.

[16] Service of process in all urgent applications shall comply with the Rules of Court. Where agreement can be reached by the representatives of all parties involved to vary the requirements of the rules to facilitate a wholly electronic exchange of papers, condonation shall be granted *ipso facto*.

[17] The enrolment of an allegedly urgent matter found not to warrant a hearing on this roll may, at the discretion of the Judge seized with the matter, result in punitive costs being awarded and the culpable counsel and attorney being ordered not to be paid any fees arising from the prosecution of such matter(s).

[18] Any party who does not wish to have his/her matter dealt with under the conditions described above must remove their matter from the roll.

Kinds regards

Mr Peter Dithipe
Secretary to the Honourable Judge Makhoba
High Court of South Africa Gauteng Division, Pretoria