

Yvonne Badenhorst

From: Etienne Cilliers
Sent: Monday, 07 August 2023 07:55
To: Yvonne Badenhorst
Subject: FW: Directive and roll for urgent court 04 August 2023 to 11 August 2023
Attachments: 4 AUG TO 11 AUG URGENT COURT ROLL -PHOOKO AJ.pdf; URGENT COURT DIRECTIVE E van der Schyff and Phooko AJ final.pdf



Etienne Cilliers
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From: Johanna Kwenaite <JKwenaite@judiciary.org.za>
Sent: Friday, August 4, 2023 6:52 PM
To: Sello Tshetlho <STshetlho@judiciary.org.za>; Zandile Manana <ZaManana@judiciary.org.za>; ptabar@law.co.za; StateAttorneyPretoria@justice.gov.za; info@saflii.org; Nakedi Mohale <NMohale@judiciary.org.za>; Issa@Issa.org.za; gcb@mweb.co.za; gautengsocadv@gmail.com; admin@brooklynadvocates.co.za; admin3@dninc.co.za; rolls@jaa.org.za
Cc: Rector Kganedi <RKganedi@judiciary.org.za>; jhbbar@law.co.za; admin@pabasa.co.za; management@hcadvocates.co.za; ppv@ppv.co.za; admin@blaonline.org.za
Subject: RE: Directive and roll for urgent court 04 August 2023 to 11 August 2023

Good evening

Kindly note that the below email is recalled, please take note of the amended urgent court roll and directive attached.

Kind regards
Johanna Kwenaite
Secretary to Honourable Phooko AJ
076 2129226

From: Johanna Kwenaite
Sent: Friday, August 4, 2023 3:16 PM
To: Sello Tshetlho <STshetlho@judiciary.org.za>; Zandile Manana <ZaManana@judiciary.org.za>; ptabar@law.co.za; StateAttorneyPretoria@justice.gov.za; info@saflii.org; Nakedi Mohale <NMohale@judiciary.org.za>; Issa@Issa.org.za; gcb@mweb.co.za; gautengsocadv@gmail.com; admin@brooklynadvocates.co.za; admin3@dninc.co.za; rolls@jaa.org.za
Cc: Rector Kganedi <RKganedi@judiciary.org.za>; jhbbar@law.co.za; admin@pabasa.co.za; management@hcadvocates.co.za; ppv@ppv.co.za; admin@blaonline.org.za
Subject: RE: Directive and roll for urgent court 04 August 2023 to 11 August 2023

Dear counsel

Kindly receive roll and directive for Acting Judge Phooko .

Kind Regards

Johanna Kwenaito

Secretary to Honourable Phooko AJ

076 2129226

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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

04 August 2023

IN RE: DIRECTIVE FOR THE URGENT COURT OF 04 AUGUST 2023
(16:00) TO 11 AUGUST 2023 (16:00) BEFORE JUDGE VAN DER SCHYFF
AND ACTING JUDGE PHOOKO

1. All applications which have already been enrolled by **12:00 on Thursday, 03 August 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 Phooko after the allocation of matters has been finalised. If cases were not ready at the time of filing on Thursday, 03 August 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. Judge Van der Schyff's matters will, during ordinary court hours, be heard in open court, unless otherwise communicated. Acting Judge Phooko will communicate the preferred mode of hearing in his directive. Applications heard outside of ordinary court hours will be heard either on a virtual platform or in physical court as arranged.
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.

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 **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 of the urgency** or absence thereof;

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.

6. The **Practice Note, or a supplementary Practice Note** must be served and filed (**on Caselines only**) **by no later than Friday 04 August 2023 at 12h00 and the Heads of Argument by no later than Monday 07 August 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 Tshetlho
Email: STshetlho@judiciary.org.za
Cell number: 060 697 7245

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

Ms Johanna Kwenaithe

Email: Jkwenaithe@judiciary.org.za

Cell Number: 076 2129 226

12. It should finally be pointed out that there is a growing tendency 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** and **to upload it onto Caselines**. Hard copies of draft orders must be handed up when matters are called.
14. **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 04 August 2023 at 11h00 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 08TH AUGUST 2023

JUDGE: PHOOKO AJ

SECRETARY: JOHANNA KWENAITE

NUMBERS	PARTIES	CASE NUMBERS
4.	RWACUMIKA KIHURA NKUBA NKAMUHAYO PLUS ONE VS HOWARD DION BULER PLUS TWO	2023-072648 Phooko J Tuesday, 8 AUG 11h30
5.	BORIS GEORGE SAVVAS PLUS ONE VS THE MINISTER OF HOME AFFAIRS FOR THE REPUBLIC OF SOUTH AFRICA PLUSTHREE OTHERS	2023-065931 Phooko J Tuesday, 8 AUG 10h00
8.	PAUL MANGALISO LANGA VS THE COMPANIES AND INTELLECTUAL PROPEERTY COMMISION PLUS FIVE OTHERS	2023-075474 Phooko J Wednesday, 9 AUG 10H00 (VIRTUAL)
9.	WALKER SENNE INC PLUS TWO OTHERS VS CITY OF STHWANE MUNICIPALITY PLUS ONE	2023-074285 Phooko J Thursday, 10 AUG 10h00
12.	GOLDEN FALLS TRADING 125 (PTY) LTD t/a SANDTON APARTMENTS VS WVG-PTOPERTIES (PTY) LTD	2023-070910 Phooko J Tuesday, 8 AUG 12h30
17.	Ex Parte KAL TIRE MINING TYRE SERVICES SA (PTY) LTD PLUS ONE	2023-076958 Phooko J Thursday, 10 AUG 10h00

18.	XHANTI VUYO PUMZILE HOLOMISA VS ZANELE LORRAINE JAFTA PLUS SIX OTHERS Matter Not On Caselines	2023-076968 Phooko J B3312/2023 Tuesday, 8 AUG 14h00
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