

Yvonne Badenhorst

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Sent: Friday, 18 August 2023 13:04
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Subject: Urgent court directive and the roll for week 6 before Judge Du Plessis AJ in open court 4C
Attachments: URGENT COURT DIRECTIVE.docx

Good day All

Kindly find the attached directive and the roll for urgent court commencing next week 21-25 August 2023 before Judge Du Plessis AJ in open court 4C.



Nlg#hjdugv#

Mmabatho Mampa

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REPUBLIC OF SOUTH-AFRICA
THE HONOURABLE MADAM JUSTICE DU PLESSIS AJ
HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
P O Box 442, PRETORIA

TO: ALL PRACTITIONERS

18 August 2023

IN RE: DIRECTIVE FOR THE URGENT COURT OF 18 AUGUST 2023 – 25 AUGUST 2023 BEFORE ACTING JUDGE DU PLESSIS (OPEN COURT 4C)

1. All applications which have already been enrolled by **12:00 on Thursday 17 August 2023 (when the roll closed)** are indicated on the roll for Urgent Applications. All matters set down for 22 August 2023 will be called on Tuesday 22 August 2023 at 10h00. All counsel must attend roll call unless excused.
2. If cases were not ready at the time of filing on Thursday 17 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.
3. 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.
4. Applications heard during normal court hours will be adjudicated by means of an oral hearing in **open court 4C**. Applications heard outside of ordinary court hours will be heard either on a virtual platform or in physical court as arranged.
5. **In all matters** (opposed and unopposed) a **Practice Note as well as Heads of Argument** must also be served and filed **on Caselines** by all parties concerned.

6. **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.**
7. The **practice note** must indicate at least the following:
 - 7.1. Particulars and contact details of the legal practitioners;
 - 7.2. Nature of the relief sought (without referring to the notice of motion);
 - 7.3. A brief summary of the factual as well as legal issues involved;
 - 7.4. The main issues to be considered;
 - 7.5. A brief summary of the urgency or absence thereof;
 - 7.6. Whether there was service by the sheriff, and if not, why not (unopposed applications) and where it can be found;
 - 7.7. Estimated duration;
 - 7.8. Whether the matter is opposed or not.
 - 7.9. 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.
8. The **Practice Note, or a supplementary Practice Note** must be served and filed (**on Caselines only**) by no later than **Friday 18 August at 16:00** and the **Heads of Argument** by no later than **Monday 24 August 2023 at 10:00 (on Caselines only)**.
9. The applicant must 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.
10. 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.

11. 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.
12. 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.
13. **All new applications, during court hours**, must first be enrolled through the Registrar of the Urgent Court and brought to the attention of Judge Adam’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.
14. 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.
15. 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 Adams are as follows:

Dipuo Malimakoe
Email: DMalimakoe@judiciary.org.za
Phone number: 012 315 7453
Office 2.12

Particulars of Judge Du Plessis' clerk are as follows:

Ms. Mmabatho Mampa
Email: MmMampa@judiciary.org.za
Phone number: 012 492 6750/ 067 064 2103
Office 4.8

16. 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).
17. 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.
18. 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 Du Plessis AJ's chambers by Friday 17 August 2023 at 15h00 P.M

WJ du Plessis

JUDGE OF THE HIGH COURT, PRETORIA.

NUMBERS	PARTIES	CASE NUMBERS
2.	THOBELANI MAPHUMULO VS T M GROUWTH INVESTMENTS (PTY) LTD PLUS THREE OTHERS	2022-046664
4.	SMEC SOUTH AFRICA (PTY) LTD VS SOUTH AFRICAN NATIONAL ROAD AGENCY SOC LTD	2023-075024
6.	XYLO TRADING 253 CC VS MPHONGA ANNA HLAHLA AND 12 OTHERS	2023-077483
8.	SIZWE HOSMED MEDICAL SCHEME VS ENABLEMED (PTY) LTD (settled)	2023-077473
10.	JR 209 INVESTMENTS (PTY) LTD VS SOUTH AFRICAN WEATHER SERVICES PLUS THREE OTHERS (settled)	2023-078445
12.	MAKAMPE RECTOR SEALE PLUS ONE VS THE CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY PLUS ONE	2023-078684
14.	MATHILDA NAGNATUIS MAMBO VS FMCSA EMPLOYEES PROVIDENT FUND PLUS ONE	2023-079156
16.	WILLIAM PATRICK BOWER VS REGINA VICTORIA BOWER PLUS TWO OTHERS (removed)	2023-079362
18.	HENNIES SPORTS BAR (PTY) LTD PLUS ONE VS WPRET ENTERPRISES (PTY) LTD	2023-079862
20.	PALM CHROME (PTY) LTD VS 2 GLOWING SUNSET TRADING 56 CC PLUS ELEVENTH OTHERS	2023-080001
22.	HEINRICH EBERHARD WILHEM SCHOLZ VS GREENLIGHT INVESTMENT	2023-080078
24.	MAKOANYANE LEFOSA VS TUMELO LEDWABA PLUS ONE	2023-080159
26.	(EX-PARTE) ZEENATH KAJEE	2023-081806

28.	ONICCAH MAMADIA MDUMELA PROPERTYTOLINK (PTY) LTD VS ZANI VAN WYK	2023-080819
30.	HUDACO TRADING (PTY) LTD VS TRISUL SOLUTIONS (PTY) LTD	2023-081337
31.	HUDACO TRADING (PTY) LTD VS SHALANDRA SITHARAM	2023-081354
32.	HUDACO TRADING (PTY) LTD VS RENE MINAH WENTZEL	2023-081351
34.	(EX-PARTE) SHABALALA AGNES ELIZABETH TSHIDISO	2023-078585
36.	K CARRIM CONSTRUCTION (PTY) LTD VS REAAD JOOSUB EBRAHIM (Matter Not On Caselines)	2023-081906