



**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 July 2024

**IN RE: DIRECTIVE FOR THE URGENT COURT OF 05 JULY 2024 (16:00) TO 12 JULY 2024 (16:00) BEFORE VAN DER SCHYFF J AND MINNAAR AJ**

1. All applications which have already been enrolled by **12:00 on Thursday, 04 July 2024 (when the roll closed)** are indicated on the roll for Urgent Applications. Separate rolls will be distributed for Van der Schyff J and Minnaar AJ after the allocation of matters has been finalised. If cases were not ready at the time of filing on Thursday, 04 July 2024, they will not be heard, unless there is good cause or exceptional circumstances are shown. Papers that have not been properly indexed and paginated 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. Van der Schyff J's and Minnaar AJ's matters will be heard in open court during ordinary court hours unless otherwise communicated. 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 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, or copying 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 in individual paragraphs, 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 05 July 2024 at 12h00 and the Heads of Argument by no later than Monday 08 July 2024 at 10:00 (on Caselines only).**

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**. 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. **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 paragraphs 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 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.
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.

**Particulars of Van der Schyff J's registrar are as follows:**

Mr. Sello Tshetlho  
Email: [STshetlho@judiciary.org.za](mailto:STshetlho@judiciary.org.za)  
Cell number: 060 697 7245

**Particulars of Minnaar AJ's registrar are as follows:**

Me Pinky Tolla  
Email: [PTolla@judiciary.org.za](mailto:PTolla@judiciary.org.za).  
Cell number: 079 917 3749

11. 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 that are not ripe for hearing, and not urgent, or where self-created urgency is applicable. **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). This will prevent other parties from having their matters 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 the 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 **upload it onto Caselines**. Hard copies of draft orders must be handed up when matters are called.
  
13. **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 05 July 2024 at 11h00.**

E van der Schyff

JUDGE OF THE HIGH COURT, PRETORIA.