

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA
OPPOSED MOTIONS COURT: (OPEN
COURT)

BEFORE HONOURABLE JUSTICE ELOFF AJ

7 APRIL – 11 APRIL 2025 at 9:30

Judges Secretary: **Petrus Moitsi**

PMoitsi@judiciary.co.za

DIRECTIVE FOR DEFAULT JUDGMENT ROLL

1. All matters will be heard in open court at 9:30. The Court will be allocated on the day roll.
2. Introductions may take place at 9.15 in room 1.11
3. Clerk's office is in room 1.6
4. Matters will be called according to seniority.
5. Practitioners are requested to timeously inform **Petrus Moitsi** if matters will not be proceeding for whatever reason. His contact details are

PMoitsi@judiciary.co.za Also, please make a widely shared note of such intended removal on Caselines.

6. Matters that are settled should have a separate bundle which must include: offer and acceptance, draft order, confirmation letter and contingency fee agreement (if applicable).

7. Practitioners are requested to file sufficient heads of argument, no longer than 30 pages, no later than 12PM on the day before the hearing of the matter.

8. Legal practitioners are requested to create a separate section on Caselines containing the separate documents, which are relevant to the default judgment, which documents should include, but not be limited:
 - 8.1 practice note;
 - 8.2 heads of argument;
 - 8.3 compliance affidavit;
 - 8.4 confirmation of lodgement;
 - 8.5 SIC (TIC) order;
 - 8.6 proof of service of the SIC (TIC) order;
 - 8.7 application for default judgment;
 - 8.8 proof of service of the application for default judgment;
 - 8.9 notice of set down of application for default judgment, with proof of service;
 - 8.10 pleadings;
 - 8.11 merits documents (if outstanding, alternatively merits court order);

- 8.12 expert reports;
- 8.13 past medical expenses schedule (if applicable);
- 8.14 contingency fee agreement (if applicable);
- 8.15 draft order.

9. Practitioners are requested to provide two hard copies of the draft order at the hearing of the matter.

10. Any late notice of intention to defend in accordance with the uniform court rules, **MUST** include an affidavit in the name of the state attorney and or claims handler and or the person responsible for the delayed notice of defence stating the following:

10.1 Reasons for the late notice of intention to defend. As per the judgment of Hugo v Road Accident Fund (055136/2022) [2024] ZAGPPHC 791 (12 August 2024)

10.2 State if any steps were taken to investigate the merits of the matter and or if any consultations were held with the insured driver/s.

10.3 State if any investigations were done regarding the Quantum of the matter and if there is any intention to appoint experts on behalf of the Defendant. (the necessary documentary proof is required.)

11. Practitioners should ensure compliance with the relevant Directives and uniform court rules pertaining to Default Judgements.

Regards