

Deon Gericke

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Sent: Friday, 09 July 2021 11:08
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Subject: Amended urgent roll
Attachments: Roll and Directive.pdf

Dear counsel

Kindly receive roll and directive. please delete the previous one and publish this one.

Regards
Sello



REPUBLIC OF SOUTH AFRICA
THE HONOURABLE JUDGE Van Der Schyff

HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
P O Box 442, PRETORIA

Urgent roll: 13 July 2021

Judge : Van Der Schyff
Judge : Phahlane

NO	Parties	Case no	Judge	
1	WYN SUN 666 (PTY) LTD + 1 VS THE MINISTER OF POLICE + 4	33441/2021	Van der Schyff	
2	MBOWENI MALULEKE INC VS STRAUSS DALY INCORPORATED	33286/2021	Phahlane	
3	BENNIE KEEVY VS CHINA AUTO RENTAL	33389/2021	Van der Schyff	
4	MAUPYE RIBSON MASHAMAITE VS AGNES MANTWA MALULEKE + 2	33158/2021	Phahlane	
5	MOREBUDI A i + 1 VS MOELETSI F R + 3	33121/2021	Removed by notice	
6	NICOLAAS JACOBUS VERMAAK VS LAYLA CELESTE SMITH	32844/2021	Van der Schyff	
7	MARTHA K KGOSI VS KGANYANE L KGOSI	31883/2021	Phahlane	
8	BOTHA JAQUES VS BOTHA Y M + 1	57999/2020	Phahlane	
9	JOMAHIL CRUSHING MERCHANTS (PTY) LTD VS MOPANI CRUSHERS (PTY) LTD	32408/2021	Van Der Schyff	

10	PATHWAYS HOLDINGS (PTY) LTD (Ex Parte Application)	32429/2021	Van Der Schyff	
11	EMEKA DAVE UMEH + 4 VS MINISTER OF HOME AFFAIRS + 1	31118/2021	Phahlane	
12	DEY STREET PROPERTIES VS SALENTIAS TRAVEL AND HOSPITALITY	25461/2021	Van Der Schyff	
13	CO-PROPS 1079 (PTY) LTD VS THE EDENVALE STAKEHOLDERS + 3	32822/2021	Van Der Schyff	
14	O G MOLEFE VS R S G G MASHABELA	30911/2021	Phahlane	
15	SA LEGAL PRACTICE COUNCIL	33761/2021	Van Der Schyff	
16	BOLAMPE 82 TRADING VS BONNY AND SOL CONSTRUCTION	24491/2021	Van Der Schyff	
17	VAN DER SCHIJFF KONSTRUCKSIE VS K CARRIM CONSTRUCTION	33828/2021	Phahlane	



REPUBLIC OF SOUTH AFRICA
THE HONOURABLE JUDGE Van Der Schyff
HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
P O Box 442, PRETORIA

TO: ALL PRACTITIONERS

8 JULY 2021

**IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S
CONSOLIDATED DIRECTIVE DATED 11 JUNE 2021 FOR THE URGENT
COURT OF 9 JULY 2021 (16:00) TO 16 JULY 2021 (16:00) BEFORE
JUDGE VAN DER SCHYFF AND JUDGE PHAHLANE**

1. All applications which had already been enrolled by 12:00 on Thursday 8 July 2021 (when the roll closed) are indicated on the roll for Urgent Applications. Thereafter separate rolls will be distributed for Judge Van der Schyff and Judge Phahlane.
2. Applicants should already have invited all legal practitioners to the electronic file created on CaseLines as prescribed in par. 174 of the JP's Directive of 11 June 2021 (the Directive). It is the duty of the applicant's attorney to ensure that the matter is timeously and fully uploaded onto Caselines and that the Judge will have access to it.
3. All papers should have been fully uploaded by 12h00 on Thursday 8 July 2021 as *per* par. 183 of the Directive. If an application has not been filed, i.e. fully uploaded, by 12:00 on Thursday 8 July 2021 (when the roll closed, and subject to the degrees of urgency), the application may not be heard and may be struck off the roll (Practice Manual, Annexure "A" to 13.24, par [4], sub par 3, p H2-139). Papers which have not been properly indexed and paginated also run the risk of being struck off the roll.

4. **In all matters** (opposed and unopposed) **a Practice Note as well as Heads of Argument** must also be served, and uploaded to CaseLines by all parties concerned. Applications will be adjudicated by means of an oral hearing, **unless there is a written indication that it will not be necessary**. Oral hearings will be conducted via Microsoft Teams or Zoom, subject to a time limitation, if necessary. Where any party appears in person and does not have access to electronic media, individual arrangements will be made with all parties concerned.
5. **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.**
6. The **Practice Note** must indicate at least the following (**to assist the senior Judge to consider the matter, to do the allocations timeously 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 **Total number of pages**;
 - 5.5 **A brief summary of the factual as well as legal issues involved**;
 - 5.4 A clear indication (without referring to the heads of argument) **which portion of the papers must be read** and which not;
 - 5.5 The **main issues to be considered**;
 - 5.6 A **brief summary of the urgency** or absence thereof;
 - 5.7 Whether there was **service by the sheriff**, and if not, why not (unopposed applications);
 - 5.8 Estimated duration.

Failure to file a Practice Note setting out all the above information, paragraph by paragraph individually, may result in the application be struck off the roll or a punitive cost order be granted.

7. The Practice Note must be served and filed by no later than Friday 9 July 2021 at 12:00 (to enable the senior Judge to do the allocations as soon as possible, failing which the matter may either be struck off the roll or be moved to the end of the roll and running the risk of being crowded out and/or to be postponed *sine die*) and the Heads of Argument by no later than Monday 12 July at 12:00. 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.
8. The Practice Directive regarding Urgent Applications (Chapter 13.24 of the Practice Manual) will still apply (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 to be 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, as indicated in paragraph 181 of the Directive, may be made.
9. All new applications, after hours or during court hours, must first be 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. The urgent Court cellular number for Pretoria is: 065 859 4819.

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 the clerk of Judge Van der Schvff are as follows:

Mr. S Tshetlho

Cell: 072 062 4733

Email: sello.tshetlho@webmail.co.za (for correspondence)

stshetlho@judiciary.org.za (for CaseLine invites)

Particulars of the clerk of Judge Phahiane are as follows:

B. Kapari

Cell: 079 866 5939

Email: BJanuary@judiciary.org.za

11. It should finally be pointed out that there is a growing tendency (especially during the lockdown period and during recess) 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 to be allocated a special court at some time in 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 by using "MS Word format" (to allow for alterations) and to email it to the Judge's clerk by using the email address referred to above (and also to upload it on

Caselines). A failure to comply with this request may result in the application be struck off the roll.

E van der Schyff
JUDGE OF THE HIGH COURT
PRETORIA.