

Yvonne Badenhorst

From: Sonya Gillissen <sgillissen90@gmail.com>
Sent: Thursday, 04 November 2021 13:36
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Subject: Urgent Court 5 November 2021 to 12 November 2021
Attachments: URGENT COURT DIRECTIVE - Judge Fourie 5 - 12 November 2021.docx; Urgent Roll 09 - 12 NOVEMBER 2021 DS FOURIE J & NGOBESE AJ.docx

Good day,

Herewith the Urgent Court Directive and roll for 5 - 12 November 2021.

Regards
Sonya Gillissen
Secretary to Judge DS Fourie
Cell: 079 400 1963



REPUBLIC OF SOUTH-AFRICA
THE HONOURABLE JUDGE DS FOURIE
HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
P O Box 442, PRETORIA

TO: ALL PRACTITIONERS

4 November 2021

**IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE
DATED 11 JUNE 2021 FOR THE URGENT COURT OF 5 NOVEMBER 2021
(16:00) TO 12 NOVEMBER 2021 (16:00) BEFORE JUDGE FOURIE AND
JUDGE NGOBESE.**

1. All applications which had already been enrolled by 12:00 on Thursday 4 November 2021 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will later be distributed for Judge Fourie and Judge Ngobese after the allocation of matters had been finalised.
2. All applications should have already been uploaded on Caselines as required in terms of par. 172 - 183 of the JP's Directive of 11 June 2021. If an application has not been filed, i.e. fully uploaded, by 12:00 on Thursday 4 November 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 Directive, 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.
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 Judge's secretary) by all parties concerned as one of the alternative electronic means. The application will then 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, subject to a time limitation, if necessary.

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 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**;

5.9 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 or a punitive cost order be granted.

6. The **Practice Note** must be served and filed (**on Caselines only**) **by no later than Friday 5 November 2021 at 10:00** (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 8 November 2021 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) 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 may be made.**
8. **All new applications**, after hours or during court hours, must first be brought to the attention of Judge Fourie'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.
9. 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 Fourie are as follows:

Ms S Gillissen

Cell: 079 400 1963 / 065 859 4819

Email: sgillissen90@gmail.com (for correspondence)

sgillissen@judiciary.org.za (for caseline invites)

Particulars of the clerk of Judge Ngobese are as follows:

Ms N Mbatha

Cell: 084 211 5083

Email: nombatha@judiciary.org.za

10. 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).**

11. All practitioners are requested to prepare a **draft court order by using "MS Word format"** (to allow for alterations) and **to upload it onto Caselines only.** A failure to comply with this request may result in the application be struck off the roll.

12. It is the duty of the applicant's attorney to ensure that the matter is timeously, properly and fully uploaded onto Caselines and that the Judge will have access to it.

13. A failure to comply fully and timeously with this Notice may result in the matter be struck off the roll.

DS FOURIE
JUDGE OF THE HIGH COURT
PRETORIA.



Private Bag X67, Pretoria, 0001

Tel No: (012) 315 7429

Fax No: (012) 326 1995

URGENT ROLL 5 - 12 NOVEMBER 2021 BEFORE DS FOURIE J AND NGOBESE AJ

Particulars of the clerk of Judge Fourie are as follows:

Ms S Gillissen

Cell: 079 400 1963 / 065 859 4819

Email: sgillissen90@gmail.com (for correspondence)

sgillissen@judiciary.org.za (for caseline invites)

Particulars of the clerk of Judge Ngobese are as follows:

Ms N Mbatha

Cell: 084 211 5083

Email: nombatha@judiciary.org.za

PARTIES	PARTIES	CASE NUMBER
1.	NWABISA NOMAKWEZI NDAMSE VS GOVERNMENT EMPLOYEES PENSION FUNDS + 2 OTHERS	54680/21
2.	DONALD MHANDU VS TINASHE EXEVIER MUTAMIRI	54883/21
3.	IRODOTOS CHARALAMBOURS N.O + 4 OTHERS VS THE MUNICIPAL MANAGER CITY OF TSHWANE METROPOLITAN MUNICIPALITY + 3 OTHERS	54394/21
4.	LIMUSA obo MEMBERS VS DENEL LAND SYSTEMS + 1	55604/21

5.	ZAHEER CASSIM N.O + 2 OTHERS VS STRATEGIC INVESTMENT GROUP AFRICA ASSET FINANCE (PTY) LTD	54279/21
6.	JACO PIETER MINNAAR N.O VS KAREN MINNAAR N.O CHANTELE LISA FIGER N.O THE MASTER OF THE HIGH COURT	54219/21
7.	BRONKHORST AM VS BRONKHOST AJ	53478/21
8.	MALOKOTSA MP VS LUNGA LIBUKO	53459/21
9.	ROGAL HOLDINGS VS VICTOR TURNKEY PROJECT + 3	53473/21
10.	SIYATHUTHUKA EMERGENCY AND HEALTH SERVICES T/A SIYATHUTHUKA GROUP (PTY) LTD	53469/21
11.	DR NABIELA RAGOOLOO AND 70 OTHERS THE HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA	40460/21
12.	TLHOLO RM VS TLHOLO PD	52262/21
13.	PICK 'N PAY RETAILERS (PTY) LTD + 30 OTHERS VS THE GAUTENG PROVINCIAL LIQUOR BOARD	52536/21
14.	DIE AFRIKAANSE PROTESTANTSE AKADEMIE NPC VS COUNCIL ON HIGHER EDUCATION + 4 OTEHERS	53272/21
15.	THE RHINO SECURITY & ARMED RESPONSE (PTY) LTD VS THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICE+3 OTHERS	49044/21
16.	ROBERTS MC VS GELDENHUYS BP	41977/21
17.	NATIONAL UNION OF METALWORKERS SA VS + 1 VS DENEL S0C LTD + 2	49493/21
18.	BLOM ML VS COERTZEN PZ	53837/21
19.	RABIE SJ VS THE MASTER OF THE HIGH COURT PRETORIA + 1	54148/21
20.	THE ACDP + 3 VS THE MIN OF THE NATIONAL DEPARTMENT OF HEALTH + 2	55070/21
21.	OLUBENG EMMANUEL AJAYI + 1 OTHER VS FIRSTRAND BANK LIMITED + 1 OTHER	29236/17
22.	MADULUDI (PTY) LTD VS SARS	55155/21

23.	WOLMARANS JSJ EX PARTE	55175/21
24.	FHATUWANI SIBANDA VS DEPT OOF HOME AFFAIRS +2 OTHER	55189/21
25.	OOSTHUIZEN E VS BOTHA E & R BATHA	56082/19
26.	CHANTE CHELIN EX PARTE	55291/21
27.	BOUWER WF VS CITY OF TSHWANE METROPOLITAN MUNICIPALITY	43653/21
28.	MFUNDO CLEMENT NKUHLU + 1 VS ROGAL HOLDINGS (PTY) LTD + 4 OTHERS	53473/21
29.	MDUDUZI MAHLANGU VS FIRSTRAND BANK	55279/21
30.	SHOPRITE CHECKERS (PTY) LTD VS LASASA HOLDINGS (PTY) LTD	55657/21
31.	JEAN DOHSE VS BRETT VAN RHYN	91122/19
32.	DEZZO EQUIPMENT (PTY) LTD VS BARZANI (PTY) LTD	55674/21
33.	ZIZIPHO RAMUGA VS DEPT OF HEALTH	29175/20
34.	MINENTLE MYEZA VS DEPT OF HOME AFFAIRS	2036/21
35.	ESTHER MALEGATE MNGUNI VS DUDUZILE DAPHNEY MNGUNI + 2 OTHERS	734/21
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