

Deon Gericke

From: Sonya Gillissen <sgillissen90@gmail.com>
Sent: Friday, 18 February 2022 20:02
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Subject: Urgent Court 21 - 25 Feb 2022
Attachments: 18 February 2022 URGENT ROLL Directive.docx; Allocations Urgent Court 21 - 25 Feb 2022.docx

Good day,

Attached the allocated urgent application roll for 21 - 25 February 2022.

Regards
Sonya Gillissen



REPUBLIC OF SOUTH AFRICA
THE HONOURABLE JUDGE DS FOURIE

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

TO: ALL PRACTITIONERS

17 February 2022

IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE DATED 11 JUNE 2021 FOR THE URGENT COURT OF 18 FEBRUARY 2022 (16:00) TO 25 FEBRUARY 2022 (16:00) BEFORE JUDGE FOURIE AND JUDGE SARDIWALLA.

1. All applications which have already been enrolled by 12:00 on Thursday 17 February 2022 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will later be distributed for Judge Fourie and Judge Sardiwalla after the allocation of matters have been finalised.
2. All applications should already have been uploaded on Caselines as required in terms of par. 172 - 183 of the JP's Directive of 11 June 2021. When an application is brought for Tuesday at 10:00 the applicant must ensure that all the relevant papers are filed by the preceding Thursday at 12:00. **If an application has not been filed, i.e. all papers fully uploaded by 12:00 on Thursday 17 February 2022** (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. 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 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 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 and a punitive cost order be granted.

6. The **Practice Note** must be served and filed (on Caselines only) **by no later than Friday 18 February 2022 at 10:00** (for the allocations to be done as soon as possible (failing which the matter may be struck off the roll) **and the Heads**

of Argument by no later than Monday 21 February 2022 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 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 Sardiwalla are as follows:

Mr E van der Merwe

Cell: 083 644 3211

Email: Evandermerwe@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 (before the closing of the roll)** and fully uploaded onto Caselines, with an index to identify and find documents easily, and that the Judge will have access to it.

DS FOURIE
JUDGE OF THE HIGH COURT, PRETORIA



Private Bag X67, Pretoria, 0001

Tel No: (012) 315 7429

Fax No: (012) 326 1995

URGENT COURT ROLL 18 - 25 FEBRUARY 2022

BEFORE JUDGE DS FOURIE & JUDGE SARDIWALLA

SECRETARY: SONYA GILLISSEN (FOURIE J)

Email: sgillissen90@gmail.com (for correspondence)

sgillissen@judiciary.org.za (for case line invites only)

Contact numb: 079 400 1963

SECRETARY: ELLICK VD MERWE (SARDIWALLA J)

Email: Evandermerwe@judiciary.org.za

Contact Numb: 083 644 3211

	PARTIES	CASE NUMBERS	ALLOCATED TO JUDGE:
1.	HERMINAH MAMPHETO SHILLENGE VS HAROLD PATRICK MABENJU SHILLENGE AND GOVERNMENT EMPLOYEE PENSION FUND	8217/22	Sardiwalla J
2.	FLM SA (PTY) LTD AND +7 OTHERS VS THE GAUTENG PROVINCIAL LIQUOR BOARD AND +2 OTHERS	7644/22	Fourie J
3.	MALEHLOHONOLO CLOPHETRA LEOTLELA VS MOMENTUM METROPOLITAN LIFE LIMITED AND TRANSNET RETIREMENT FUND	6018/22	Fourie J

4.	BHEKUMNDENI QEDUSIZI PENUEL SIMELANE VS MINISTER OF DEFENCE AND MILITARY VETERANS AND +6 OTHERS	64319/21	Sardiwalla J
5.	PHUMLANI MANANA VS PONKY SALOME RAMOSOLO	6663/22	Fourie J
6.	TONY JOHN KIPLIMO: KETTER VS DAPHNE BALINDA: KETTER	7216/22	Sardiwalla J
7.	EMILY SEKWATI VS MORRIS PATRIC SEKWATI AND GOVERNMENT EMPLOYEES PENSION FUND	6669/22	Fourie J
8.	MILDRED MAMEETSE PHAKWAGO AND +14 OTHERS VS THE ROAD ACCIDENT FUND AND +14 OTHERS	3525/22	Fourie J
9.	JOHAN KAPP VS RACHEL MAGRIETA PETRONELLA KAPP AND THE OFFICE OF THE FAMILY ADVOCATE. PRETORIA	6503/22	Fourie J
10.	SOUTH AFRICAN LEGAL PRACTICE (<i>EX PARTE</i>)	9194/22	Fourie J
11.	ASAP RESOURCES GLOBAL (PTY) LTD VS DIKELEDI CONSTANCE SKOSANA AND REFILOE SOLUTIONS (PTY) LTD (<i>DID NOT INVITE ON CASELINES BY THE TIME THE ROLL CLOSSES</i>)	7396/22	Sardiwalla J

12.	LIONEL GERALD MARX VS DOROTHY VAN DER MESCHT AND JAMES FRANCOIS MINNIE	9151/21	Sardiwalla J
13.	THELLONG DEVELOPMENT CC VS COMMISSIONER SOUTH AFRICAN REVENUE SERVICES (<i>WEDNESDAY, 23 FEBRUARY 2022</i>) (<i>DID NOT INVITE ON CASELINES BY THE TIME THE ROLL CLOSES</i>)	62635/21	Sardiwalla J
14.	RICHARD BROUGHAM SAVAGE (<i>EX PARTE</i>)	8305/22	Fourie J
15.	MOSES SHANDUKANE VS THE DEPARTMENT OF HOME AFFAIRS AND +6 OTHERS	8430/22	Fourie J
16.	GAVANNI (PTY) LTD AND +2 OTHERS VS PONTSHO GLUDIA MHLONGO	7513/22	Fourie J
17.	VIMTSIRE PROTECTION & SECURITY SERVICES CC AND +3 OTHERS VS THE MUNICIPAL MANAGER CITY OF TSHWANE METROPOLITAN MUNICIPALITY AND LEBELELANG MAHLATSE TRADING (PTY) LTD	72439/18	Sardiwalla J
18.	JOSHUA LASISI IGINLA AND ZIMASA STELLA IGINLA VS MUSTUFA MOHAMMED AND +2 OTHERS	9346/22	Fourie J
19.	CRAIG DOUGLAS HARWOOD VS AGANANG TOWING AND LOGISTICS (PTY) LTD	7466/22	Sardiwalla J

20.	IZAK JOHANNES UYS VS JEANETTA ELIZABETH UYS AND THE SOUTH AFRICAN POLICE SERVICES: GARSFONTEIN	98694/15	Fourie J
21.	KYALA SIMONE BOTHA VS IAN ENGELBRECHT	8524/22	Sardiwalla J
22.	FOURIE JACOBUS PETRUS AND JIYANE SIMON (EX PARTE)	8570/22	Sardiwalla J
23.	SHAIK SIAFA PROPERTY GROUP (PTY) LTD VS THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY	8231/22	Fourie J
24.	DIMPE KGOMOTSO AND +25 OTHERS VS TSHWANE WEST DISTRICT DIRECTOR AND +2 OTHERS	9037/22	Sardiwalla J
25.	MOKGATLE LESOLE ATTORNEYS AND DINEO LESOLE JOHANNES MOKGATLE VS KGOMOTSO ELIZABETH MASEMOLA AND +5 OTHERS	8234/22	Fourie J
26.	THE WASTE GROUP (PTY) LTD VS HENDRIK ALBERTUS SCHOEMAN	8828/22	Sardiwalla J
27.	LEBRA DEVELOPMENT (PTY) LTD VS THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY AND THE MUNICIPAL MANAGER OF THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY	8820/22	Fourie J
28.	PHEAGA JACOB MOASA VS TEBOGO PATRICIA MAMABOLO AND THE STANDARD BANK OF SOUTH AFRICA LIMITED	8976/22	Fourie J

29.	TINGANA DOROTHY SOKO VS THEMBA SOKO AND +2 OTHERS	7029/22	Sardiwalla J
30.	CAROLINE MMAKGOKOLO LEDWABA AND SIMBARASHE MAKAMURE (<i>EX PARTE</i>)	51583/21	Sardiwalla J
31.	ASHOOK KIRPAL AND CAROLINE ZVOMA VS JUDE PETERS AND +7 OTHERS	6970/22	Fourie J
32.	NTHABISENG CHARITY MMAPHARE MOJA VS CREMOLITIOUS HANGALAKANI SATHEKWE AND +4 OTHERS (<i>DID NOT INVITE ON CASELINES BY THE TIME THE ROLL CLOSES</i>) <i>No access. Matters stands to be struck off the roll.</i>	9102/22	Sardiwalla J
33.	JUSTICE SCHUTTE VS DANELLE NAUDE (HUMAN)	9098/22	Fourie J
34.	BMW FINANCIAL SERVICES (SOUTH AFRICA) (PTY) LTD VS DAKALO OSWALD RAPHUNGA	11807/21	Fourie J
35.	MASIMINI ML VS MASIMINI A AND JAMA B	57518/21	Sardiwalla J
36.	<i>THE APPLICANTS HAVE REQUESTED THAT THIS MATTER NOT BE PUBLISHED ON A ROLL WITH OTHER MATTERS</i>	9556/22	Sardiwalla J
37.	NERPO NPC GROUP AND +5 OTHERS VS THE CITY OF TSHWANE <i>No documents on case lines. Matter stands to be struck off the roll.</i>	9739/22	Sardiwalla J

38.	RENETE VAN DER MERWE VS PETRUS CORNELIUS OOSTHUIZEN AND MICHELLE VAN ANTWERPEN	33838/21	Fourie J
39.	MINISTER OF HOME AFFAIRS VS NATIONAL FUNERAL ASSOCIATION AND +2 OTHERS	9761/22	Sardiwalla J
40.	STEPHEN SEKGOBELA VS THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY (HE CAME TO ISSUE AFTER THE CLOSING TIME AND HAS NOT INVITED US ON CASELINES)	9835/22	Fourie J
<u>NEW MATTERS:</u>			
41.	J KHWAHA VS MAINTENANCE OFFICER MAMELODI MAINTENANCE COURT, MAGISTRATE DUMBUZA AND N O	7758/22	Sardiwalla J
42.	PRO COMPT (PTY) LTD VS CITY OF TSHWANE METRO	10196/22	Fourie J