

Kindly find attached hereto the directive for Urgent Court for **5 to 9 December 2022** before Judge Neukircher.

Once I have the roll, it will be circulated.

Thank you.



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

Kind regards

Nicole Nair

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High Court of South Africa

Gauteng Division, Pretoria

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HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA
FROM THE CHAMBERS OF MADAM JUSTICE NEUKIRCHER

29 November 2022

DIRECTIVE

TERM 4 – RECESS WEEK ONE: 5 TO 9 DECEMBER 2022

URGENT APPLICATIONS

GENERAL

1. This is the main directive for Judge Neukircher for Urgent Court of the week of 5 to 9 December 2022.
2. If cases were not ready at time of filing at 12:00 on Thursday, 1 December 2022 (i.e all relevant affidavits filed, the application indexed and paginated and a certificate of urgency and practice note filed), they will not be heard, unless there is good cause or exceptional circumstances.
3. An allocation does NOT mean that the matter is considered sufficiently urgent to hear on the merits. Submissions will need to be made regarding the grounds of urgency.
4. If there is non-compliance with this practice directive, the matter will be struck from the roll, unless good cause is shown for non-compliance.
5. It is pointed out that there is a growing tendency to abuse the urgent court in two ways:
 - firstly**, to set matters down which are not ripe for hearing, not urgent or in which urgency is self-created. **This will NOT be allowed;**
 - secondly**, the urgent court is **NOT** intended to hear complex factual and/or legal issues set out over hundreds of pages which take a long

time to consider and finalise. This clogs up an extremely busy court and prevents other deserving matters from being heard. **These complex/long matters are to be removed from the roll and the parties are to seek an allocation from the Deputy Judge President** in a special court on a future date (cf Practice Manual, Annexure "A" to 13.24 par [4] sub par (10) and (11) page H2-141).

HEARING

6. There will be roll call in open court on **Tuesday, 6 December 2022 at 10h00**.
7. If parties are of the view that a matter may be heard on the papers and without a hearing they are to indicate this to the judge's secretary per email by no later than 10h00 on Monday 5 December 2022.

OPPOSED

8. In all opposed matters, heads of argument are to be emailed to the judge's secretary by 12h00 on Monday 5 December 2022 together with an authorities bundle.

REMOVALS / SETTLEMENTS / UNOPPOSED MATTERS

9. In matters that are removed / settled /unopposed – draft orders in word format are to be emailed to the relevant judge's secretary by no later than 13h00 on Monday, 5 December 2022. No hearing is required for these matters unless parties notify the relevant judge's secretary otherwise or the judge requires submissions. Counsel are to remain available.

CASELINES

10. The CaseLines bundle will be frozen by 13h00 on **Friday, 2 December 2022** and no further documents may be filed without the relevant judge's specific written permission obtained by email.
11. In all matters a **DRAFT ORDER IN WORD is to be uploaded to CaseLines** together with the papers before close of roll on Thursday 1 December 2022.
12. No piece-meal filing of affidavits will be allowed.

13. **All court bundles are to be fully uploaded to Caselines.** If any problems are experienced the particular judge's secretary must be contacted TIMEOUSLY. In the absence thereof, where links have not been populated timeously (see par 1 supra) or no link has been received, the matter will be struck from the roll.
14. It is the duty of the applicant's attorney to ensure that there are no duplicate cases created on CaseLines and to ensure that the judge has received the correct link. In the event that this does not occur, and links remain unpopulated or the judge has received the incorrect link, the matter will not be heard and will be removed from the roll. In the event that a practitioner struggles to upload an application to Caselines, an affidavit is to be prepared explaining what steps have been taken and why it was not possible to upload to Caselines and this must be sent to the judge's secretary. The judge will then give further directions.
15. Where no practice note has been filed the matter may be struck from the roll. The practice note is to set out the following:
 - 15.1 particulars and contact details of the legal practitioners;
 - 15.2 nature of the relief sought (without referring to the notice of motion);
 - 15.3 total number of pages;
 - 15.4 a brief summary of the factual and legal issues involved;
 - 15.5 a clear indication (without repeating the heads of argument) which portion of the papers must be read and which not;
 - 15.6 the main issues to be considered;
 - 15.7 a brief summary of the urgency, or absence thereof;
 - 15.8 whether there has been service by the sheriff and if not, why not;
 - 15.9 estimated duration;
 - 15.10 whether the matter is opposed.

FAILURE TO FILE a practice note setting out all the above information, may result in the matter being struck from the roll and a punitive cost order being granted.



Kind regards

Nicole Nair

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