

## Deon Gericke

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**From:** Nomfundo Khulu <NKhulu@judiciary.org.za>  
**Sent:** Friday, 28 January 2022 14:08  
**To:** 'slpath@gmail.com'; 'info@samla.org.za'; 'info@saflii.org'; 'data@saflii.org'; 'communication@lpc.org.za'; 'jhbadmin@law.co.za'; 'admin@pabasa.co.za'; 'admin@clarks.co.za'; 'anton@tonkinlacey.co.za'; 'info@jaa.org.za'; 'Chantelle Gladwin-Wood'; 'lssa@lssa.org.za'; 'danievl@webmail.co.za'; 'ffocrat@rsabar.com'; 'fiona@lssa.org.za'; 'joewadee@telkomsa.net'; 'tiaan@joubertlaw.co.za'; Motsi Modike (DoJ&CD Contact); 'gcb@mweb.co.za'; 'jhbar@law.co.za'; 'nfa.advocates@gmail.com'; 'gautengnbcsa@outlook.com'; 'North Gauteng Advocates'; 'baradmin@law.co.za'; 'info@nationalbarcouncil.co.za'; 'ntsebeza@mweb.co.za'; 'ptabar@law.co.za'; 'fazoe@nadel.co.za'; 'Allyson Crutchfield'; 'info@bla.org.za'; 'reform@justice.gov.za'; 'muzis@law.co.za'; 'mklein@icon.co.za'; 'Chantelle Gladwin-Wood'; 'lawson@casac.org.za'; 'Varsha Sookdhaw'; 'info@churchsquarebar.co.za'; 'kmoleya@fasken.com'; 'Joseph.Machacha@cdhlegal.com'; 'ramola.naidoo888za@gmail.com'; 'reception@loftusadv.co.za'; Phahlane Mohube (DoJ&CD Contact); Dhulam Vijay (DoJ&CD Contact); 'Stephen Roy Allcock'; 'bassonbetsie@gmail.com'; 'Enrico Guarneri'; 'Johannesburg-FA@justice.gov.za'; 'Pretoria-FA@justice.gov.za'; 'Palmridge-FA@justice.gov.za'; 'herman.percival@gmail.com'; 'mikem@bm-attorneys.co.za'; 'proforum@lpc.org.za'; 'agrobler@cknet.co.za'; 'hpgrobler@cknet.co.za'; 'ltheron@cknet.co.za'; 'aam@albert-a-marais-attorneys.co.za'; 'tvm@albert-a-Marais-attorneys.co.za'; 'cmabuza@live.com'; 'lephadi@sheriffandburgsw.co.za'; 'marks@sheriffj.co.za'; 'june@sheriffjhbsouth.co.za'; 'enricoagostino@gmail.com'; 'inge@saflii.org.za'; 'aicajee@law.co.za'; 'lephadi@sheriffandburgsu.co.za'; 'MasheP@saps.gov.za'; 'info@sheriffjhbsouth.co.za'; 'ken@law.co.za'; 'J Gildenhuys'; 'motimelesc@law.co.za'; 'nasreen@budlender.co.za'; 'dupreezlegal@gmail.com'; 'gustav@crimsonred.co.za'; 'FhePandelani@justice.gov.za'; 'Watshilowa@gmail.com'; 'mkurz@clarks.co.za'; 'advadw@gmail.com'; 'marianne@mpattorney.co.za'; 'marksmangaba@gmail.com'; 'junethomas0611@gmail.com'; 'gautengsocadv@gmail.com'; 'msecapabar@law.co.za'; 'gautengsecretary@blaonline.org.za'; 'sbeard@fluxmans.com'; 'keegan@elliottattorneys.co.za'; 'JohanV@lpc.org.za'; 'nmahlangu1@sars.gov.za'; 'registrartaxcourt@sars.gov.za'; 'admin@csadvocates.co.za'; 'maritzng@law.co.za'; 'edeling@emlct.com'; 'WilnaL@legal-aid.co.za'; 'Grace Molatedi'; 'yvetteisaacs@capebar.co.za'; 'nomahlubi@mkhwinanaattorneys.co.za'; 'Fana'; 'council@advmdupreez.com'; 'Collins Phutjane Letsoalo'; 'lindelwa@raf.co.za'; 'info@sabwil.org.za'; 'attedeh.associates@gmail.com'; 'concha@wilsons-law.co.za'; 'TMuthabuli@sars.gov.za'

**Cc:** 'Xolisile Maduna'; 'viv@jaa.org.za'; 'lee-ann@shplaw.co.za'; 'secretary@sawla.net'; 'adv.ford@rsabar.com'; 'hilde@smithlaw.co.za'; 'JoshuaM@legal-aid.co.za'; 'r.mphela@icloud.com'; 'geert.kuit@gauteng.gov.za'; 'hlengiwe.goba@gauteng.gov.za'; 'fhepandelani@justice.gov.za'; Nhlayisi Zanele (DoJ&CD Contact); 'andre@josephs.co.za'; 'dj.erasmus@law.co.za'; 'adv.ford@rsabar.net'; 'ElsieS@legal-aid.co.za'; 'SimiloS@legal-aid.co.za'; Sandton@pabasa.co.za; 'ElizabethM2@legal-aid.co.za'; 'legalpracticecouncil@lpc.org.za'; 'attorney.ayob@gmail.com'; Cornelius Silaule; Lusanda Ntuli; Timmy Kgaladi; Hope Nkuna; 'hopenkuna.nh@gmail.com'; 'fanniek@raf.co.za'; 'LesleighT@legal-aid.co.za'; 'MantitiK@legal-aid.co.za'; Kabini Jacob (DoJ&CD Contact); Louw Ananda (DoJ&CD Contact); 'kirstenb@wri.co.za'; 'kirstenbeli16@gmail.com'; 'Tarryn@evninc.co.za'; 'Tobie@evninc.co.za'; 'melissat@snaidmorris.co.za'; louws.consult@gmail.com; ettian@wol.co.za; gsadvocates.secretary@gmail.com; info@lpc.org.za; admin@blaonline.org.za; info@nationalbar.co.za; ppv@ppv.co.za; info@gga.org.za; Deon Gericke; viv@jaa.co.za; Dieketsang Matsie; Roanne Bramdaw; Tumelo Ledwaba; Juliet Harmse; Thulisile Nzimande; Shertina Letlaka; Beverly Meyers; Salome Malatji; Mbali Mahlangu; Loyiso.Mahlangu@gauteng.gov.za; Daniel.Mokolokolo@gauteng.gov.za; Perusha.Govender@gauteng.gov.za; Mmasetshaba.Letwaba@gauteng.gov.za; Simon.Seloba@gauteng.gov.za; Ngqondo.Jwara@gauteng.gov.za; Phetola Moila; Gomolemo Mokoena; Imaan Hare;

**Cc:** Lebogang Moroe; Vusimuzi Mabunu; Mlungisi Mthembu; Karabo Munene  
**Subject:** URGENT COURT ROLL AND LINK : JANSE VAN NIEWENHUIZEN J  
**Attachments:** URGENT COURT ROLL JANSE VAN NIEWENHUIZEN J (31 JAN 22 - 1 FEB 2022).docx;  
JANSE VAN NIEWENHUIZEN J URGENT COURT DIRECTIVE.pdf

Dear All,

Please find attached herewith:

- Urgent Court Roll (31 January 2022 – 4 February 2022)
- MS Teams Link
- Judges Directives

\*\*\* Please take note that the following link will be used throughout the week

## Microsoft Teams meeting

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*Nomfundo Khulu*  
Judges Secretary  
Gauteng Local Division, Pretoria  
E-Mail: [NKhulu@judiciary.org.za](mailto:NKhulu@judiciary.org.za)

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## REPUBLIC OF SOUTH AFRICA



THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, PRETORIA

**URGENT COURT ROLL BEFORE THE HONOURABLE JANSE VAN NIEWENHUIZEN J<sup>1</sup>**  
**VIA MICROSOFT TEAMS**

## Microsoft Teams meeting

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**MONDAY: 31 JANUARY 2022**

**10:00**

(31)	MINTSTONE TRADING v MOSA JUDITH NONYANE	63596/2021
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**TUESDAY: 1 FEBRUARY 2022**

**10:00**

(4)	MANUEL EDGAR ALMEIDA AND EMA DOCTORS AFRICA (PTY) LTD v JENIFER ANNE SHEPHERD AND 3 OTHERS	3576/22
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<sup>1</sup> Judges Clerk Ms Nomfundo Khulu (NKhulu@judiciary.org.za)

<b>(5)</b>	JAN HENDRIK STEPHANUS VENTER v MR WERNER STANDER AND 5 OTHERS	<b>4201/22</b>
<b>(7)</b>	ENGELBRECHT JOHAN FRANCOIS v MATHEBULA NANA- KONANANI ALINAH AND MATHEBULA TIRHANI SITOS DE SITOS	<b>3627/22</b>
<b>(13)</b>	TSHIBVUMO TSHAVHUNGWA v AZWINNDINI AGNES TSHAVHUNGWA	<b>3195/22</b>
<b>(20)</b>	KAMOHO BERENG v THE MINISTER OF HOME AFFAIRS AND 2 OTHERS	<b>2014/22</b>
<b>(28)</b>	NKATEKO MAHLATSE NDABANE V TSHEGOFATSO MILLICENT MATLOU	<b>71366/17</b>
<b>(30)</b>	MERCEDES BENZ FINANCIAL SERVICES SA (PTY) LTD v CHARLES BALOYI AND TSHEPANG DAISY BALOYI	<b>59385/20</b>

**11: 30**

<b>(2)</b>	ZANELE WINNIE-LOVE NTULI v DAVIS KHOZA AND OTHERS	<b>3977/22</b>
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**14:00**

(19)	POSTLINKBIZHUB FRANCHISING (PTY) LTD v NTSIENI SIGAMA	2367/22
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**WEDNESDAY: 2 FEBRUARY 2021****10:00**

(8)	BABCOCK NTUTHUKO ENGINEERING (PTY) LIMITED v ESKOM HOLDINGS SOC LIMITES AND OTHERS	64288/21
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**THURSDAY: 3 FEBRUARY 2021****10:00**

(22)	ETC PROJECTS (PTY) LTD v GAUTENG PROVINCIAL LIQUOR BOARD	1478/22
(26)	MADELWINE PROPERTIES (PTY) LLTD v CITY OF TSHWANE METROPOLITAN MUNICIPALITY AND ANOTHER	4012/22

**11:30**

(10)	KIPP CONSULTING ENGINEERS (PTY) LTD v KENEILWE JUDITH NGWENYA AND 6 OTHERS	4175/22
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**REPUBLIC OF SOUTH-AFRICA**  
**THE HONOURABLE JUDGE JANSE VAN NIEWENHUIZEN**

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

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TO: ALL PRACTITIONERS

27 January 2022

**IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE  
DATED 11 JUNE 2021 FOR THE URGENT COURT OF 28 JANUARY 2022  
(16:00) TO 4 FEBRUARY 2022 (16:00) BEFORE JUDGE JANSE VAN  
NIEWENHUIZEN AND JUDGE BAM.**

1. All applications which have already been enrolled by 12:00 on Thursday 27 January 2022 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will later be distributed Judge Janse van Nieuwenhuizen and Judge Bam 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 27 January 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 28 January 2022 and the Heads of Argument by no later than Monday 31 January 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 (28 January 2022 (16h00) to 31 January 2022 (8h00)) or during court hours, must first be brought to the attention of Judge Janse van Nieuwenhuizen's clerk.

After hours matters from 31 January 2022 to 4 February 2022 must be brought to the attention of Judges Bam's Clerk

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 Janse van Nieuwenhuizen are as follows:**

**Ms Nomfundo Khulu**

**Email: NKhulu@judiciary.org.za**

**Particulars of the clerk Judge Bam are as follows:**

**Ms Thobile Ngcobo**

**Email: TNgcobo@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 and email word copy to **NKhulu@judiciary.org.za**. 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 enrolled (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.