

Yvonne Badenhorst

From: Christinah Msimango <ChMsimango@judiciary.org.za>
Sent: Friday, 24 June 2022 13:23
To: jhbadmin@law.co.za; jhbbar@law.co.za; gautengnbcsa@outlook.com; gautengsocadv@gmail.com; nfa.advocates@gmail.com; northgautengadv@gmail.com; northgautengadv@gmail.com; info@nationalbarcouncil.co.za; info@churchsquarebar.co.za; Deon Gericke; Yvonne Badenhorst; reception@loftusadv.co.za; manager@gkchambers.co.za; manager@gkchambers.co.za; manager@clubadvocates.co.za; manager@clubadvocates.co.za; manager@advchambers.co.za; manager@advchambers.co.za; faan@vercueil.co.za; faan@vercueil.co.za; thobekile@lowndes.co.za; thobekife@lowndes.co.za; alex@lowndes.co.za; alex@lowndes.co.za; jan@riaanbosch.co.za; jan@riaanbosch.co.za; riaan@riaanbosch.co.za; riaan@riaanbosch.co.za; nomlayo.mabhena@cdhlegal.com; Adele Loubser; nomlayo.mabhena@cdhlegal.com; communication@lpc.org.za; communication@lpc.org.za; data@saflii.org; admin@pabasa.co.za; admin@pabasa.co.za; info@nationalbarcouncil.co.za; info@nationalbarcouncil.co.za; baradmin@law.co.za; baradmin@law.co.za; info@bla.org.za; info@bla.org.za; gautengsecretary@blaonline.org.za; gautengsecretary@blaonline.org.za; mscapebar@law.co.za; mscapebar@law.co.za; admin@csadvocates.co.za; admin@csadvocates.co.za; legalpracticecouncil@lpc.org.za; legalpracticecouncil@lpc.org.za; ptabar@law.co.za; info@jaa.org.za; info@jaa.org.za; collinL@raf.co.za; collinL@raf.co.za; courtrolls@csadvocates.co.za; courtrolls@csadvocates.co.za; Yvonne Badenhorst; Yvonne Badenhorst; bertwiltz@lantic.net; lana@ppv.co.za; lana@ppv.co.za; admin@csadvocates.co.za; admin@csadvocates.co.za; motions@slerouxprok.co.za; motions@slerouxprok.co.za; admin@blaonline.org.za; admin@blaonline.org.za; ppv@ppv.co.za; Adele Loubser
Cc: Katlego Sebola
Subject: URGENT COURT DIRECTIVE AND INDIVIDUAL ROLLS: PHAHLANE J AND NYATHI J
Attachments: URGENT COURT BEFORE THE HONOURABLE JUSTICE NYATHI J.pdf; URGENT COURT ROLL- PHAHLANE J.pdf; URGENT COURT DIRECTIVE - 24 June - 1 July 2022.pdf

Good day All

Please see attached URGENT COURT DIRECTIVE and INDIVIDUAL ROLLS from the Chambers of the Honourable Justices Phahlane J and Nyathi J for your attention.



Kind Regards

Mrs Christinah Msimango
Judge's Secretary
Office no 5.5 (5th floor)
Gauteng High Court, Pretoria Division
Cnr Madiba & Paul Kruger Street
Tel: 012 492 6890
Email: ChMsimango@judiciary.org.za

URGENT COURT ROLL = COMMENCING 27 JUNE 2022

JUDGE: PHAHLANE J
SECRETARY: C MSIMANGO

1. Kindly take note that below matters will be heard by the Honourable Madam Justice Phahlane.
2. The matter/s will be heard virtually via MS Teams.
3. A meeting link together with the individual day roll will be made available to the respective parties in due course.
4. For assistance you may contact Ms Christinah Msimango on: 012 492 6890 or via email at: ChMsimango@judiciary.org.za

TUESDAY ==28/06/2022

28.	ABSAS VEHICLE MANAGEMENT FLEET SOLUTIONS (PTY) LTD V ALLIANCE FLEET (PTY) LTD AND TWO OTHERS	35216/2021
20.	ANDRIES PETRUS STRYDOM AND ANOTHER	32016/2022
31.	MEYER COMBRINCK	19172/2022
7.	SOUTH AFRICAN LEGAL PRACTICE COUNCIL V CAROLINE MMAISAKE KOTSOKWANE	40841/2021
26.	THAMSANQA HAMILTON NKAMBULE V THE LEGAL PRACTICE COUNCIL OF SOUTH AFRICA	26960/2021
33.	BLUE POINTER TRADING 246 (PTY) v/s METRO MUNICIPALITY TSHWANE	33776/2022

WEDNESDAY ==29/06/2022

27.	THOMAS GEORGE NELL N.O AND ANOTHER	30757/2022
6.	KABELO COLIBEN CHABALALA V NTSHIME ISAAC DOLAMO AND ANOTHER	33006/2022
1.	CHERNET AFRECHO FITEBO V MINISTER OF HOME AFFAIRS AND TWO OTHERS	11903/2022
2.	ABAYENE AREJA LAMBANO V MINISTER OF HOME AFFAIRS AND TWO OTHERS	64338/2021

THURSDAY ==30/06/2022

29.	RAJESH SUKHRAJ AND FIVE OTHERS V CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY AND THREE OTHERS	33506/2022
19.	ALLOY MAGNETIC CORES (PTY) LTD V SGB-SMIT POWER	32050/2022

	MATLA (PTY) LTD	
17.	NORTHERN REGIONAL SYNOD: UNITING REFORMED CHURCH IN SOUTHERN AFRICA AND ANOTHER V RALETSATSI EZEKIEL MORAKA AND THREE OTHERS	32324/2022
9.	SIFISO CALVIN BIYA AND ANOTHER V FIRSTRAND LIMITED AND FOUR OTHERS	33192/2022

FRIDAY == 01/07/2022

16.	MAFOKO SECURITY PATROLS (PTY) LTD V THE INDEPENDENT POLICE INVESTIGATIVE DIRECTORATE	32387/2022
23.	WILLEM ABRAM RAATHS V THE STATE	32668/2022



**OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA**

Office of the Registrar of the High Court of South Africa, Gauteng Division, Pretoria
Kantoor van die Griffier van die Hoë Hof van Suid Afrika Gauteng Afdeling, Pretoria
Private Bag/Privaatsak X67, Pretoria, 0001
Tel No: (012) 315 7429 Email: RKganedi@judiciary.org.za

24 June 2022

**URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 28th OF APRIL 2022
BEFORE THE HONOURABLE JUSTICE NYATHI J**

JUDGE'S SECRETARY: Katlego Sebola

CONTACT NUMBER: 012 315 6754

EMAIL ADDRESS: KSebola@judiciary.org.za

DIRECTIVE

1. All practitioners are required to attend roll call virtually on Tuesday 28 June 2022 at 10h00.
2. A new link will be created for each day.
3. Parties should ensure that their matters are in compliance with the directive issued on 24 June 2022 by Madam Justice Phahlane to avoid matters being struck off the roll for non-compliance with the directive.

NO	PARTIES	CASE NUMBERS	ALLOCATION
3.	NT MAKHUBELE ENTERPRISES CC AND TWO OTHERS V BUSINESS PARTNERS LIMITED AND FIVE OTHERS	30109/2022	NYATHI J
	<i>Issued two notice of motion one reflecting 28 June 2022 and another reflecting 30 June 2022</i>		

5.	BANTJIES MELINDA V VISSER PETRUS JOHANNES	33125/2022	NYATHI J
8.	ANRI STRYDOM V RENDO VORSTER	33189/2022	NYATHI J
10.	DL AND ANOTHER V THE MINISTER OF HOME AFFAIRS AND ANOTHER	31543/2022	NYATHI J
13.	THE LAND AND AGRICULTURAL BANK OF SOUTH AFRICA V UNLIMITED LIVESTOCK CC AND ANOTHER	30037/2022	NYATHI J
15.	SOLIDARITY AND ANOTHER V THE HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA AND ANOTHER	33109/2022	NYATHI J
18.	ZIBONELE FM NPC V INDEPENDENT COMMUNICATION AUTHORITY OF SOUTH AFRICA AND ANOTHER	32052/2022	NYATHI J
22.	HAROLD J DRINN (PTY) LTD V THE NATIONAL COMMISSIONER OF THE SOUTH AFRICAN POLICE SERVICES AND FOUR OTHERS	32597/2022	NYATHI J
24.	SONIA ADELE STEYN V JOSEPH MARTINUS STEYN	32681/2022	NYATHI J
25.	CHANELLE VERONIQUE RELOU V ANLEO PIENAAR	21360/2022	NYATHI J
30.	PHIRI JAMES KABELO V MONGEZI SONGO AND TWO OTHERS	43903/2021	NYATHI J
32.	ECODIESEL(PTY) LTD AND THREE OTHERS V CLS CLARK LOGISTICS SOLUTIONS (PTY) LTD AND THREE OTHERS	31325/2022	NYATHI J



REPUBLIC OF SOUTH-AFRICA
THE HONOURABLE JUDGE PHAHLANE

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

TO: ALL PRACTITIONERS

24 June 2022

**IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE
DATED 24 JUNE 2022 FOR THE URGENT COURT OF 24 JUNE 2022
(16:00) TO 1 JULY 2022 (16:00) BEFORE MADAM JUSTICE PHAHLANE J
AND JUSTICE NYATHI J**

1. All applications which have already been enrolled by 12:00 on Thursday 23 June 2022 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will be distributed Judge Phahlane and Judge Nyathi 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 23 June 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 24 June 2022 at 14:00** (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 27 June 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 Phahlane's clerk during the weekend and Judge Nyathi's clerk during the week. 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 Phahlane are as follows:

Ms Christina Msimango

Tel: 012 492 6890

Email: ChMsimango@judiciary.org.za

Particulars of the clerk Judge Nyathi are as follows:

Ms Katlego Sebola

Tel: 012 315 6754

Email: KSebola@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.

MADAM JUSTICE PHAHLANE J
JUDGE OF THE HIGH COURT
PRETORIA.