

Deon Gericke

From: Christinah Msimango <ChMsimango@judiciary.org.za>
Sent: Friday, 02 September 2022 18:21
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; thobekile@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; PublicEmailPTA; PublicEmailPTA2; PTA Bar; Pretoria-FA@justice.gov.za; jhbadmin@law.co.za; jhbbar@law.co.za; Pretoria-FA@justice.gov.za; Yvonne Badenhorst; PublicEmailPTA; PublicEmailPTA2; stroebel@clubadvocates.co.za; eloise@wolvaardtinc.co.za; danelo@clubadvocates.co.za; wroos@rsabar.com; carla@lelaw.co.za; zjaan@mwebmail.co.za; minj@law.co.za; grielzel@admindc.co.za; admin@advchambers.net.za; tristan@gkinc.co.za; wentzel.law@hotmail.com; admin@kmodibaattorney.co.za; motsusi@gkchambers.co.za; carlia@spohrlaw.co.za; geoffrey@campbellattorneys.co.za; albertsalaw@gmail.com; pulanei@raf.co.za; denzhesenyatsi@gmail.com; intshang@lgr.co.za; alwin@tintolaw.co.za; sfisherklein@gmail.com; jeanne@pierrekraynauw.co.za; audrey.baloyi@gmail.com; dpmogagabe@gmail.com; christel@slerouxattorneys.co.za; jvorster.adv@gmail.com; admin@maareeattorneys.co.za
Cc: Rector Kganedi
Subject: DIRECTIVE: URGENT COURT BEFORE ACTING MADAM JUSTICE NDLOKOVANE AJ: 05 - 09 SEPTEMBER 2022
Attachments: URGENT COURT DIRECTIVE- NDLOKOVANE AJ.docx; URGENT COURT ROLL NDLOKOVANE AJ.docx

Dear All

Please see attached Directive and Roll of matters before the Honourable Acting Madam Justice Ndlovane for your attention.



Warm Regards

Mrs Christinah Msimango

Judge's Secretary

Office: 244 At the Palace of Justice

Gauteng High Court, Pretoria Division

Cnr Madiba & Paul Kruger Street

Tel: 012 314 9078

Email: ChMsimango@judiciary.org.za

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

TO: ALL PRACTITIONERS

02 SEPTEMBER 2022

DIRECTIVE

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 NDLOKOVANE AJ

1. All applications which have already been enrolled by 12:00 on Thursday 01 September 2022 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will be distributed by the Honourable Judge Molopa and Judge Ndlovane 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 01 September 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.

4. Oral hearings will be conducted in open court C at the Palace of Justice.
5. **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.**
6. The practice note must indicate at least the following
 - 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.**
7. The **Practice Note** must be served and filed (**on Caselines only**) **by no later than Friday 02 September 2022 at 16:00 and the Heads of Argument by no later than Monday 05 September 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.
8. 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.**

9. **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.
10. 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 Ndlovane AJ are as follows:

Ms Christinah Msimango

Tel: 012 314 9078

Email: ChMsimango@judiciary.org.za

11. 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).

12. 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.
13. 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 NDLOKOVANE AJ



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

Urgent Court Registrar: Gauteng Division of the High Court, Pretoria
First Floor, Room 1.37
Cnr Madiba and Paul Kruger street
Office No: (012) 315 7429

URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 05th SEPTEMBER 2022

JUDGE: NDLOKOVANE AJ

SECRETARY: CHRISTINAH MSIMANGO

3.	ALL PHONE SOLUTION(PT)LTD VS COMMISSION OF SOUTH AFRICA	2022-015965
5.	TSHOLOFELO obo TSHIRELETSO MOGAPAESI VS PEACAN COLLEGE, THE CHAIPERSON OF THE DICIPLINARY HEARING	2022-017739
9.	CIDY MANKWANE PHLANE VS LETSEPE MPHELA PHAHLANE	15689/2020
12.	ALL PHONE SOLUTIONS (PTY) LTD VS SARS, SAMSUNG ELECTRONICS CO	2022-015965
13.	NOMATHIBANE P MANGISA VS VEZI DE BEER INCORPORATED ea	37552/2017
16.	EX PARTE: AVIWE NTANDAZO NDYAMARA ea	2022-020385
17.	EX PARTE: AVIWE NTANDAZO NDYAMARA ea	2022-020562
21.	MARI HAYWOOD VS MASTER OF THE HIGH COURT	2022-020870

23.	EX PARTE: FRANCOIS ELLOF /JUVAN MARCEL LIVERSAGE	2022-021007
27.	EX PARTE:MAR- DORETH GROBLER	2022-012463
29.	JOSE MANUAL RODRIQUES CARREIRA VS AGNES MALULEKA ea	37524/2022
31.	LUCKY MMAPULA KGOADI VS THAMAS NGWANYA ea	2022-017188
33.	JACOLIENE FRIEDA BARNARDea VS MASTER OF THE HIGH COURT	018250/2022
35.	SEGWIT SOUTHERN AFRICA PTY LTD VS QUALITY AFRICA	2022-021132
36.	THE SOUTH AFRICAN LEGAL PRACTICE CCOUNCIL V TEBOGO BERNETT MTHOLO	2022/37828