

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG  
MONDAY 31<sup>st</sup> OCTOBER 2022**

**EVEN THOUGH COURTROOMS ARE ALLOCATED TO JUDGES, JUDGES MAY ELECT TO PROCEED VIRTUALLY  
LITIGANTS ARE TO CONFIRM THE MANNER IN WHICH THE HEARING WILL BE CONDUCTED WITH THE SECRETARY OF THE PRESIDING JUDGE  
IN THE EVENT OF VIRTUAL HEARINGS, THE LINK WILL BE CREATED BY THE SECRETARY OF THE PRESIDING JUDGE AND CIRCULATED TO THE LITIGANTS**

**OPPOSED MOTION**

9A BEFORE THE HONOURABLE JUDGE KEIGHTLEY J

Video-link BEFORE THE HONOURABLE JUDGE OPPPERMAN J

9C BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J

Video-link BEFORE THE HONOURABLE JUDGE KUNY J

9B BEFORE THE HONOURABLE JUDGE BISHOP AJ

**UNOPPOSED MOTION**

GC BEFORE THE HONOURABLE JUDGE MEYER J

GD BEFORE THE HONOURABLE JUDGE MAKUME J

GE BEFORE THE HONOURABLE JUDGE DOSIO J

**URGENT APPLICATIONS**

9E BEFORE THE HONOURABLE JUDGE WRIGHT J

9F BEFORE THE HONOURABLE JUDGE MALINDI J

**SPECIAL MOTION**

11F BEFORE THE HONOURABLE JUDGE DIPPENAAR J

*ALMAR INVESTMENTS (PTY) LTD v EMANG MMOGO MINING RESOURCES (PTY) LTD  
AND ANOTHER (CASE NO: 2020/1005)*

**TAX COURT**

BEFORE THE HONOURABLE JUDGE MANOIM J

14302

**FAMILY COURT**

11B BEFORE THE HONOURABLE JUDGE STRIJDOM AJ

GB BEFORE THE HONOURABLE JUDGE ENGELBRECHT AJ

## **SPECIAL INTERLOCUTORY COURT**

GA BEFORE THE HONOURABLE JUDGE MUDAU J

11C BEFORE THE HONOURABLE JUDGE VAN NIEUWENHUIZEN AJ

## **SETTLEMENT COURT**

1A BEFORE THE HONOURABLE JUDGE SWANEPOEL AJ

## **CASE MANAGEMENT CONFERENCES**

Video-link BEFORE THE HONOURABLE JUDGE WILSON AJ

## **COMMERCIAL COURT**

11D BEFORE THE HONOURABLE JUDGE WEPENER J  
*2014/42448*

11E BEFORE THE HONOURABLE JUDGE YACOOB J  
*2019/7031*

## **PART-HEARD CIVIL TRIAL**

8F BEFORE THE HONOURABLE JUDGE MOLAHLEHI J  
*G E POHLMAN obo M F LUYT v MEC FOR HEALTH, GAUTENG (CASE NO: 2014/33632)*

## **TRIALS OF LONG DURATION**

6F BEFORE THE HONOURABLE JUDGE FRANCIS J

8A BEFORE THE HONOURABLE JUDGE ADAMS J  
*MTHALANE LINDIWE obo TSHEPANG BUSISIWE MTHALANE v MEC FOR HEALTH, GAUTENG (CASE NO: 2013/37420)*

8D BEFORE THE HONOURABLE JUDGE MAHALELO J

Video-link BEFORE THE HONOURABLE JUDGE MAIER-FRAWLEY J

6C BEFORE THE HONOURABLE JUDGE BARNES AJ  
*XOLISWA CYNTHIA LUPHEPHA obo YAMKELA v MEC FOR HEALTH, GAUTENG (CASE NO: 2017/8097)*

## **GENERAL CIVIL TRIALS**

6B BEFORE THE HONOURABLE JUDGE TWALA J

THE CIVIL TRIAL ROLL BEFORE SUTHERLAND DJP. IN TERMS OF PARAGRAPH 37 OF THE JUDGE PRESIDENT'S CONSOLIDATED DIRECTIVE OF 11 JUNE 2021. THERE SHALL BE NO PHYSICAL TRIAL ROLL CALL. PARTIES MUST COMPLY STRICTLY WITH THE PROVISIONS OF PARAGRAPH 37 TO 40 OF THE DIRECTIVE. PARTIES SHALL BE NOTIFIED OF ALLOCATIONS BY EMAIL.

WHENEVER JUDGES ARE ALLOCATED MORE THAN ONE CASE THE JUDGE SHALL DIRECT IN WHICH ORDER THE MATTERS ARE TO BE HEARD.

IN A MATTER WHERE A SETTLEMENT IS IMMINENT IT MUST BE REMOVED FROM THIS ROLL AND ENROLLED ON THE SETTLEMENTS COURT ROLL. THERE SHOULD BE NO EXPECTATION THAT THE MATTER WILL BE ENTERTAINED ON THIS ROLL OR THAT TRIAL COSTS SHALL BE AWARDED FOR AN APPEARANCE.

*LITIGANTS ARE REMINDED OF THE PRACTICE DIRECTIVE 02 OF 2022 WHICH SETS OUT THE ARRANGEMENTS REGARDING THE MODE OF HEARING. PLEASE LIAISE WITH THE JUDGE'S SECRETARY TO WHOM THE MATTER IS ALLOCATED*

*THE DEFAULT MODE OF HEARING OF CIVIL TRIALS IS IN PHYSICAL COURT*

*CLOSING DATE TO SUBMIT PRACTICE NOTES:  
MONDAY, 24 OCTOBER 2022*

NUMBER ON ROLL	CASE NO	PARTIES	ALLOCATION/ORDER GRANTED
<b>'Y' MATTERS: CLAIMS AGAINST THE RAF, PRASA OR MEC HEALTH, GAUTENG</b>			
<b>PART A: CIVIL TRIALS</b>			

1	2018/32261	<b>SIBOBI BONGA VS PASSENGER RAIL AGENCY OF SOUTH AFRICA</b> Plaintiff: Adv F Matika Defendant: Mr B O'Connor (Attorney) Merits and quantum Separation of issues Pre-trial conference: 09 November 2021 Certification conference: 31 October 2021 Estimated duration: 3 – 4 days	<b>MAHALELO J</b> Secretary: Mr G Lebelo E-mail: <a href="mailto:GLEbelo@judiciary.org.za">GLEbelo@judiciary.org.za</a>
2	2017/8097	<b>XOLISWA CYNTHIA LUPHEPHA VS MEC FOR HEALTH ,GAUTENG</b>	Trial of long duration allocated to BARNES AJ
<b>PART B: TRIAL BY DEFAULT JUDGMENT</b>			
<b>ALL MATTERS CLASSIFIED “D” “C” “P” OR “F” NOT REQUIRING A JUDICIAL CERTIFICATE OF READINESS</b>			
3	2015/32422	<b>AYANDA IRVIN KUNENE VS MINISTER OF POLICE</b>	Trial of long duration – hearing date: 16 January 2023
4	2017/10749	<b>CLOSETRADE 200092 CC VS SIMON ANTHONY STORM</b> Plaintiff: Adv L Acker Defendant: Mr D Hugo (Attorney) Estimated duration: 2 days Plaintiff seeks an order for payment against the defendant as surety in terms of a written suretyship	<b>WEPENER J</b> Secretary: Mr M Moolman E-mail: <a href="mailto:MMoolman@judiciary.org.za">MMoolman@judiciary.org.za</a>
5	2021/23300	<b>KIWI RAFT FOUNDATION (PTY) LIMITED VS BUTLA HOLDINGS (PTY) LIMITED</b>	No practice note was uploaded to the electronic file – Matter is struck off from the trial roll

6	2015/7062	<p>VULAMANDLA NGUBO VS THE MINISTER OF POLICE</p> <p>Plaintiff: Adv M C Phathela Defendant: Mr K Maile (State Attorney) Assault; shooting Quantum Argument on papers</p>	<p><b>MATTER STANDS TO BE ALLOCATED. THE ALLOCATION WILL OCCUR AS SOON AS A JUDGE BECOMES AVAILABLE. THE PARTIES WILL BE NOTIFIED PER E- MAIL WHEN THE ALLOCATION OCCURS</b></p>
7	2019/36036	<p>PAULO JORGE JOAO MUSSANE VS MINISTER OF POLICE</p>	<p>Matter is removed from the trial roll by notice</p>
8	2015/17608	<p>3030 MOTORBIKE SCHOOL CC VS GAUTENG DEPARTMENT OF COMMUNITY SAFETY</p> <p>Plaintiff: Adv B Morris and Adv S Bomela-Lindazwe Defendants: Adv A Naseera Opposed action for claim of payment arising from an agreement for employees of the first and second defendants to enrol at the plaintiff's training school for motorcycle driving lessons and licences. Estimated duration: 2 days Pre-trial conference: 25 February 2022; 28 February 2022 Minutes registered: 03 March 2022</p>	<p><b>MATTER STANDS TO BE ALLOCATED. THE ALLOCATION WILL OCCUR AS SOON AS A JUDGE BECOMES AVAILABLE. THE PARTIES WILL BE NOTIFIED PER E- MAIL WHEN THE ALLOCATION OCCURS</b></p>

9	2020/36449	<p><b>SAMWUMED VS ROYAL ALDORANCE DUDUZA KHOSANA</b>  Plaintiff: Adv E Kromhout  Defendant: Adv H Drake  Pre-trial conference: 10 August 2021; 13 September 2022</p> <p>Commercial claim based on alleged breach of fiduciary duties/delict, alternatively unjust enrichment</p> <p>The defendant was appointed as the Plaintiff Medical Scheme's provisional curator on 03 May 2018, in terms of an order of the Western Cape Division High Court. On 09 October 2018, the defendant was removed with immediate effect as the plaintiff's provisional curator by the Western Cape High Court.</p> <p>The matter involves advance payments that had been made to the defendant during her tenure as provisional curator in respect of expenses and disbursements to be incurred by the defendant in rendering her services in the aforesaid capacity.</p> <p>The plaintiff's claim against the defendant is in essence that the defendant, in breach of her fiduciary duties as provisional curator of the plaintiff, failed to account for a sum of money and that she unlawfully and intentionally appropriated the said sum, causing the plaintiff to suffer damages in that amount, alternatively, that the defendant was unjustly enriched in that amount.</p> <p>The defendant disputes the plaintiff's claim and inter alia contends that she had duly and fully accounted for all outstanding expenses, supported by invoices and approvals.</p> <p>Estimated duration: 3 – 4 days</p>	<p><b>TWALA J</b>  Secretary: Mr L Mabasa  E-mail: <a href="mailto:LMabasa@judiciary.org.za">LMabasa@judiciary.org.za</a></p>
10	2019/37316	<p><b>KGALAUWANE INVESTMENTS (PTY) LIMITED VS NISELA CAPITAL (PTY) LIMITED</b></p>	<p>Matter is removed from the trial roll by notice</p>

11	2020/12759	<p><b>VOLTEX (PTY) LIMITED VS MARINA KILFOIL</b></p> <p>Plaintiff: Adv A Lamplough SC and Adv A R Whitaker Defendants: Adv R de Leeuw Estimated duration: 3 – 5 days</p> <p>The plaintiff prays for judgment against the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> defendants, jointly and severally, the one paying the other to be absolved for an amount.</p> <p>The agreement was concluded between the plaintiff and Ezindaleni Power Solutions CC.</p> <p>The first, second, third and fourth defendants signed a consolidated age analysis showing the debt owing by Ezindaleni Power Solutions CC to the plaintiff.</p> <p>The first, second and third defendants signed a personal guarantee/suretyship in favour of the plaintiff in terms of which they bound themselves as sureties and co-principal debtors for the obligations of Ezindaleni Power Solutions CC.</p> <p>The first, second, third and fourth defendants signed the document headed “Acknowledgment of Debt”</p> <p>Ezindaleni Power Solutions CC paid the plaintiff and amount by way of two electronic fund transfers, the first on 16 January 2020 and the second on 30 January 2020</p> <p>The National Credit Act 34 of 2005 is not applicable to the agreement in terms of which the plaintiff supplied and delivered goods to Ezindaleni Power Solutions CC.</p> <p>Pre-trial conference: 31 March 2021</p>	<p><b>MAIER-FRAWLEY J</b></p> <p>Secretary: Mr T Kabai E-mail: <a href="mailto:TKabai@judiciary.org.za">TKabai@judiciary.org.za</a></p>
<b>MATTERS REMOVED FROM THE ROLL BY NOTICE</b>			

**MATTERS NOT ON THE ROLL, COURT FILES ARE NOT WITH ROLL  
CALLING JUDGE**

1. The civil trial roll is submitted to the Office of the Deputy Judge President by the Registrar approximately 9 court days before the trial date and was correct when it reached the Secretary of the Deputy Judge President.
2. The roll received from the registrar's office is then posted on the website of the Johannesburg Society of Advocates, where litigants may inspect the roll.
3. The failure of the registrar to include matters on the roll must be taken up with the Registrar. For that purpose, kindly approach the registrar, Ms T. Khumalo ([TKhumalo@judiciary.org.za](mailto:TKhumalo@judiciary.org.za) / 010 494 8397) timeously to enquire about the enrolment.
4. If the **registrar** approves the enrolment, the matter may be enrolled and dealt with. If the registrar declines the enrolment, the parties may apply for a new trial date in terms of the existing Practice Directives.
5. Last-minute enquiries will not be accommodated.

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