

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
MONDAY 23rd JANUARY 2023**

LITIGANTS' ATTENTION IS DRAWN TO THE DIRECTIVE DATED 13 JANUARY 2023 ISSUED BY THE HONOURABLE DEPUTY JUDGE PRESIDENT "DIRECTIVE AS TO MODE OF HEARINGS IN THE JOHANNESBURG HIGH COURT WITH IMMEDIATE EFFECT"

THE DEFAULT MODE OF HEARING IS THROUGH VIDEO-LINK UNTIL FURTHER NOTICE

EVEN THOUGH THE DEFAULT MODE OF HEARINGS IS VIRTUALLY, JUDGES MAY ELECT TO PROCEED PHYSICALLY

LITIGANTS ARE TO CONFIRM THE MANNER IN WHICH THE HEARING WILL BE CONDUCTED WITH THE SECRETARY OF THE PRESIDING JUDGE

IN 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

9C BEFORE THE HONOURABLE JUDGE DIPPENAAR J

9D BEFORE THE HONOURABLE JUDGE WILSON J

8F BEFORE THE HONOURABLE JUDGE MOORCROFT AJ

9B BEFORE THE HONOURABLE JUDGE MALUNGANA AJ

UNOPPOSED MOTION

Video-link BEFORE THE HONOURABLE JUDGE VALLY J

Video-link BEFORE THE HONOURABLE JUDGE MDALANA-MAYISELA J

Video-link BEFORE THE HONOURABLE JUDGE MOULTRIE AJ

URGENT APPLICATIONS

Video-link BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J

9F BEFORE THE HONOURABLE JUDGE J STRIJDOM AJ

SPECIAL MOTION

6F BEFORE THE HONOURABLE JUDGE WINDELL J
(2020/32777)

INCOME TAX COURT

BEFORE THE HONOURABLE JUDGE SENYATSI J

(2022/40)

FAMILY COURT

11B BEFORE THE HONOURABLE JUDGE MAKUME J

11C BEFORE THE HONOURABLE JUDGE MITCHELL AJ

SPECIAL INTERLOCUTORY COURT

GB BEFORE THE HONOURABLE JUDGE MIA J

SETTLEMENT COURT

Video-link BEFORE THE HONOURABLE JUDGE MUDAU J

FULL BENCH APPEALS – CRIMINAL

4F BEFORE THE HONOURABLE JUDGE ISMAIL J
AND BEFORE THE HONOURABLE JUDGE BHOOLA AJ
(A69/2022; A54/2022; A61/2022)

FULL COURT APPEALS – CRIMINAL

4A BEFORE THE HONOURABLE JUDGE MABESELE J
AND BEFORE THE HONOURABLE JUDGE YACOOB J
AND BEFORE THE HONOURABLE JUDGE JOHNSON AJ
A16/2022

CIVIL TRIALS (TRIALS OF LONG DURATION)

8C BEFORE THE HONOURABLE JUDGE MAHALELO J
2019/43279

8A BEFORE THE HONOURABLE JUDGE DLAMINI J
2015/32422

8B BEFORE THE HONOURABLE JUDGE FORD AJ
2017/9252

8D BEFORE THE HONOURABLE JUDGE OOSTHUIZEN-SENEKAL AJ
2014/32504

GENERAL CIVIL TRIALS

BEFORE THE HONOURABLE JUDGE WEPENER J

6A BEFORE THE HONOURABLE JUDGE OPPERMAN J

11F BEFORE THE HONOURABLE JUDGE R STRYDOM J

6B BEFORE THE HONOURABLE JUDGE MAIER FRAWLEY J

6C BEFORE THE HONOURABLE JUDGE JORDAAN AJ

8E BEFORE THE HONOURABLE JUDGE JOSEPH AJ

11D BEFORE THE HONOURABLE JUDGE Z KHAN AJ

11E BEFORE THE HONOURABLE JUDGE MKHABELA AJ

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 DIRECTIVE DATED 13 JANUARY 2023 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 THROUGH VIDEO-LINK UNTIL FURTHER NOTICE.

CLOSING DATE TO SUBMIT PRACTICE NOTES: MONDAY, 16 JANUARY 2023

NUMBER ON ROLL	CASE NO	PARTIES	ALLOCATION/ORDER GRANTED
PART A: GENERAL CIVIL TRIALS			
1	2018/4815	NADINE LOUISE THERON VS RASHID PATEL AND OTHERS The parties are in the process of compiling a draft order to remove/postpone the action with the defendant tendering the wasted costs.	

2	2016/23702	CHESLIN ASHLEY VAN VUUREN VS MINISTER OF POLICE Plaintiff: Adv Z Buthelezi Defendant: Ms Sibanyoni/Ms A Hongo Arrest and detention Merits and quantum Estimated duration: 2 – 3 days	JORDAAN AJ Secretary: Mr S Moloi E-mail: SMoloi@judiciary.org.za
3	2018/18301	NEIL ERNEST DELPAUL VS HOLLARD LIFE ASSURANCE COMPANY LTD Plaintiff: Adv W F Wannenburg Defendant: Adv L Mtukushe Claim for payment of a claim in terms of a contract of insurance after an insured event occurred. Defendant repudiated the plaintiff's claim. Estimated duration: 1 day	OPPERMAN J Secretary: Ms Z Twaku E-mail: ZTwaku@judiciary.org.za
4	2020/8639	TIRHANI LYNNETH BALOYI VS PRASA Plaintiff: Adv B Brammer Defendant: Adv J Magodi Merits Estimated duration: 3 days Certification conference: 19 April 2022 Pre-trial conference: 07 July 2021; 01 December 2022 Minutes registered: 30 September 2021; 05 December 2022	JORDAAN AJ Secretary: Mr S Moloi E-mail: SMoloi@judiciary.org.za

5	2021/41208	<p>ASSETLINE SOUTH AFRICA (TPY) LIMITED VS JACOLIEN FRIEDA BARNARD</p> <p>Plaintiff: Adv J M Hoffman Defendant: Adv L J Choate</p> <p>Claim against the defendant, in her capacity as the erstwhile business rescue practitioner of Stand 755 Portion 7 Kyalami Estate (Pty) Ltd (the company). Plaintiff advanced post-commencement financing to the defendant.</p> <p>At all relevant times, the principal asset of the Company was a property known as stand 755 Portion 7, Kyalami Estate (Pty) Ltd (the property). The principal issues for determination are as follows: Whether the agreement concluded between the plaintiff and the Company is regulated by the National Credit Act 34 of 2005; and breached the provisions of the NCA; Whether it was an implied term of the Agreement that the plaintiff would not be permitted to debit an interest charge before the end of the day to which the interest charge applies; Whether the plaintiff erroneously or unlawfully deducted interest up front from the Loan Amount contrary to s 103(2) and (3) of the NCA; Whether the defendant carried on the Company's business recklessly and/or grossly negligently and/or with the intent to defraud creditors and/or for</p>	<p>WEPENER J</p> <p>Secretary: Mr M Moolman E-mail: MMoolman@judiciary.org.za</p>
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		<p>a fraudulent purpose; whether the defendant is liable to the plaintiff in terms of s 424 of the Companies Act 61 of 1973; Whether the payment to Van Quickelberger Attorneys was as a result of a bona fide calculation error by the defendant; Whether the payment to Van Quickelberger Attorneys was 'erroneously and therefore recklessly and negligently alternatively fraudulently further alternatively gross negligently' as set out in the particulars of claim;</p>	
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		<p>Whether the defendant acted grossly negligently as set out in the particulars of claim; Whether the defendant is liable to the plaintiff in terms of s 22(1), 77(3)(b) and/or (c), 140(3)(ii), 140(c) and 218 (2) of the Companies Act 71 of 2008; Whether the defendant ought to be partially or fully excused from liability to the plaintiff, because: The claim against the defendant is not properly one for wilful misconduct or wilful breach of trust; she acted honestly and reasonably and ought to be excused from any liability in terms of s 77(9) of the Companies Act; or she acted in good faith or without gross negligence and therefore should be relieved of any liability in terms of s 140(3)(c)(i) of the Companies Act; Whether the plaintiff failed to mitigate its damages Estimated duration: 3 days The parties are amenable to the trial being heard virtually alternatively an off-site facility at Group One Chambers, Sandton</p>	
6	2020/18205	PHILLIP WILLIAM CHIAPPERO VS ELBE CHIAPPERO	No practice note was uploaded to the electronic file – Matter is struck off from the trial roll
7	2016/02680	<p>ANGELINA ZITHA VS MEC FOR HEALTH Plaintiff: Adv N Gama and Adv M Mavhungu Defendant: adv Z Ndlovane Medical negligence Merits Estimated duration: 4 – 5 days</p>	<p>Z KHAN AJ Secretary: Mr T Senoko E-mail: TSenoko@judiciary.org.za</p>

8	2021/5136	<p>SHIKA LONDIWE VS SHIKA LESIBANA HERBERT</p> <p>Plaintiff: Adv A Saldulker</p> <p>Defendant: In person Pre-trial conference: 26 October 2021</p> <p>Minutes registered: 11 May 2022</p> <p>Divorce (breakdown of marriage relationship; residency of minor child; the accrual; costs of suit)</p> <p>Estimated duration: 1 hour</p>	<p>MAIER-FRAWLEY J</p> <p>Secretary: Mr T Kabai E-mail: TKabai@judiciary.org.za</p>
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9	2021/2107	<p>EMMANUEL MAKALELA MASHILE VS DANIEL J EXCLUSIVE FASHION</p> <p>Plaintiff: Adv C de Klerk</p> <p>Defendant: Adv K Iles</p> <p>Estimated duration: 3 days</p> <p>Merits</p> <p>Delictual claim arising out of vicarious liability. The plaintiff alleges that he was assaulted by employees of the defendant</p> <p>Interpreter to be used</p>	<p>JOSEPH AJ</p> <p>Secretary: Ms K Mofikwe</p> <p>E-mail: KMofikwe@judiciary.org.za</p>
10	2019/26594	<p>ABRAHAM JOHANNES HANEKOM VS ANNA ALETTA ADELSON N.O AND MASTER OF THE HIGH COURT</p> <p>Plaintiff: Adv W F Wannenburg</p> <p>Defendant: Adv I Strydom</p> <p>Return of a motor vehicle that was in possession of a deceased and payment of arrear rent, imposts and costs owed by the deceased</p> <p>Estimated duration: 2 – 3 days</p>	<p>MKHABELA AJ</p> <p>Secretary: Ms N Dladla/Ms T Ndau</p> <p>E-mail: NDladla@judiciary.org.za; TNdau@judiciary.org.za</p>

11	2020/3451	<p>PRIMIKIRIOS TANIA v PRIMIKIRIOS DIMITRIOS</p> <p>Plaintiff: Adv I Ossin and Adv K Howard</p> <p>Defendant: Adv D Hodge</p> <p>Plaintiff contends matter is not ripe for hearing and seeks a postponement</p> <p>Defendant contends that matter is trial ready</p> <p>Plaintiff will launch a substantive postponement application</p> <p>Proprietary aspects of a matrimonial action to be separated for trial in terms of Rule 33(4)</p> <p>Which assets of the plaintiff, if any, should be included in the calculation of the accrual in the plaintiff's estate by virtue of such assets constituting a gift, alternatively an inheritance that accrued to the plaintiff during the marriage between the parties.</p> <p>The defendant will prepare a brief procedural application to be moved at the commencement of the hearing of the matter, seeking an order in terms of the parties' agreement in relation to this separation.</p> <p>Estimated duration to argue postponement: 2 hours</p> <p>Estimated duration (If the issues are separated): 3 – 4 days</p> <p>Pre-trial conference: 28 June 2021; 17 February 2022; 29 March 2022, 13 January 2023</p> <p>Minutes registered: 21 April 2022</p>	<p>FORD AJ</p> <p>Secretary: Ms N</p> <p>Pholo E-mail: NiPholo@judiciary.org.za</p>
12	2017/22813	<p>RANALD SCOTT McRAE v CENTURY REALTY (PTY) LTD</p>	<p>No practice note was uploaded to the electronic file – Matter is struck off from the trial roll</p>
PART B: ROAD ACCIDENT FUND			

MATTERS REMOVED FROM THE ROLL BY NOTICE			

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 / 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.

UNOPPOSED MOTION ROLL FOR 23 JANUARY 2023.

BEFORE THE HONOURABLE JUDGE: MDALANA-MAYISELA

JUDGE'S SECRETARY: BCebekhulu@judiciary.org.za

1.	NEDBANK LIMITED V. SANTOS MOIANE	# 2022-00134
2.	WESBANK, A DIVISION OF FIRSTRAND BANK LIMITED V. CHEFS CHOICE WHOLESALE MEATS (PTY) LTD	# 2022-00167
3.	WESBANK A, DIVISION OF FIRSTRAND BANK LIMITED V. OKU MHLOPHE BUSINESS ENTERPRISE CC	# 2022-00399
4.	URBAN REAL ESTATE (PTY) LTD V. PATIENCE GORDON MNTAMBO	# 2022-02202
5.	TRANSFLOW (RF) (PTY) LIMITED V. MODULA FRANS MOKGALO	# 2022-01199
6.	TOYOTA FINANCIAL SERVICES (SOUTH AFRICA) LTD V. PITSIMORAL CONSTRUCTION SERVICES CC	# 2022-00569
7.	TITO VENTOURIS N O IN HIS CAPACITY AS TRUSTEE FOR THE TIME BEING OF THE GINIK FAMILY TRUST V. ABSA BANK LIMITED	# 2022-00543
8.	TIMOTHY PETER FENTON V. TOZAMA NKULULEKO MAKANDA	# 2022-02423
9.	THEMBI S'MANGELE NHLAPO V. THE MEC FOR HEALTH AND SOCIAL DEVELOPMENT, GAUTENG PROVINCIAL GOVERNMENT	# 2022-01519
10.	SYDWELL MOSUNGWA V. THOKO CYNTHIA NZIMANDE	# 2022-03289
11.	SYDWELL MOSUNGWA V. THOKO CYNTHIA NZIMANDE	# 2022-03289

12.	SYDWELL MOSUNGWA V. THLOKOMELO MANAGEMENT (PTY)LTD	# 2022-03838
13.	YOUNG NURSES INDABA TRADE UNION V. FIRST RAND BANK LIMITED	# 2022-02383
14.	STANDARD BANK OF SOUTH AFRICA GROUP LIMITED v. MALCOLM NEIL NISELOW	# 2022-01446
15.	STANDARD BANK OF SOUTH AFRICA v. MOKOKOTLA ISRAEL RAHOLANE	# 2022-02715
16.	SEBASTIAN PETER BROKMANN v. DIRECTOR-GENERAL: HOME AFFAIRS	# 2022-04593
17.	SB GUARANTEE COMPANY (RF) PROPRIETARY LIMITED V. TUMELO SEBOYA	# 2022-03759
18.	SB GUARANTEE COMPANY (RF) PROPRIETARY LIMITED V. THAMSANQA NKWANYANA	# 2022-03312
19.	SASFIN BANK LIMITED V. NTSAKO RISK SOLUTIONS (PTY) LTD	# 2022-00443
20.	SA TAXI IMPACT FUND (RF) (PTY) LIMITED V. MASANGO MANDLA GREATFUL	# 2022-00616
21.	QUICKBUS 151 CC V. DONGMO ELECTRONICS CC	# 2022-01694
22.	PAUL ROBERT VICTOR STRATHERN V. MAGOLENG DEXTER SELEPE	# 2022-00591
23.	SB GUARANTEE COMPANY (PTY) LTD V. LLOYD NHLANHLA SIWEYA	# 2022-02308
24.	OLITZKI PROPERTY HOLDINGS (PTY) LIMITED AND OTHERS V. MOLOGADI GERALDINE KGANAKGA AND OTHERS	# 2022-02530
25.	NORAH NOMAHLUBI MOHALE V. THEMBA MAKUZENI	# 2022-04629
26.	NOMATHEMBA ROSEMARY KUNENE	# 2022-04575
27.	NEDBANK LTD V. CHELLAN VAUGHAN PAVERN	# 2022-04388
28.	NEDBANK LIMITED V. THOMAS MASASSE MAKHUBELA	# 2022-00547

29.	NEDBANK LIMITED V. SIBUSISO NTUTHUKO NXUMALO	# 2022-02231
30.	THE BODY CORPORATE OF PHILBERTA COURT VS. HUMBULANI ROBERT LIPHOSA	55797/2021
31.	MGIBA CONSULTING (PTY) LIMITED VS DHL INTERNATIONAL (PTY) LIMITED	2020/14630
32.	RAND WATER BOARD V MKHARI OUPA	2021/46120
33.	SHERIFF JOHANNESBURG SOUTH VS MVANGA; INNOCENT MAKINDA (CANCELLATION OF A SALE IN EXECUTION)	2016/30241
34.	STANDS 21 & 22 CHISLEHURSTEON PROPERTY VS GROWTHPOINT PROPERTIES // CITY POWER	2021 / 56635
35.	CONSTRUCTION EDUCATION AND TRAINING AUTHORITY vs CAPRICORN GROUP (PTY) LTD	2022/26765
36.	OFOMI ELOHO MARILYN	2022/16115
37.	RELIABLE PARAFFIN DISTRIBUTORS (PTY) LTD vs SJD LIQUID GOLD CARRIERS (PTY) LTD	2022/17240
38.	TOYOTA FINANCIAL SERVICES (SOUTH AFRICA) LTD. vs MTSHALI, JOHANNES	2020/40983
39.	DUBE YVONNE obo NCUBE SITHANDAZILE and NCUBE BRILLIANT vs THE ROAD ACCIDENT FUND	2018/36666
40.	GLENNISTOR, G VS MAYEKISO, G	2021/58136
41.	LATSHANA TOMBIYAKHE EVELYNNE vs THE ROAD ACCIDENT FUND	2018/18587
42.	NEDBANK LIMITED V NKANYISO BHENGU	2021/17277
43.	MAFOKO SECURITY PATROLS (PTY) LTD VS MOKGAPYE M L & 3 OTHERS	2018/46002
44.	ABSA BANK LIMITED vs AKEES IMPORT AND EXPORT (PTY) LTD & OTHER	2019/21032

45.	NEDBANK LIMITED V PULANE PATIENCE MOHANOE	56144/2021
46.	KEMACH EQUIPMENT PTY LTD VS ELSOLOGIX PTY LTD	201/43790
47.	SHOPRITE CHECKERS (PTY) LTD vs CRYSTAL MALL SUPERMARKET (PTY) LTD AND THREE OTHERS	2021/37248
48.	NEDBANK LIMITED vs DAINE MARCELLE KATE +1	2020/2282
49.	MANANA REBECCA MAHASE vs DOCTOR JAKOBUS RAUBENHEIMER MARAIS	2022/20132
50.	LUANDO AUSTIN DUIKER vs THE MINISTER OF POLICE & 4 OTHERS	2021/48545
51.	NOKUTHULA JOYCE MAZIBUKO VS THOBILE MAZIBUKO & 5 OTHERS	2022/3762
52.	NEDBANK V BOIKANYO, ITUMELENG FRANS	16010/2021
53.	TAXATION:CN SOLUTIONS INDUSTRIES CC & OTHER VS KAMBOURIS LEONIE	2020/31969
54.	SG COAL (PTY) LTD VS BERYL COAL (PTY) LTD, KURT ROBERT N KNOOP NO, THE MASTER OF THE HIGH COURT, JOHANNESBURG	2022/04604