

Allocated

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
MONDAY 10 FEBRUARY 2024**

THE DEFAULT MODE OF HEARING OF MATTERS IS IN PHYSICAL COURT

**EVEN THOUGH THE DEFAULT MODE OF HEARINGS IS PHYSICAL, 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 VIRTUAL HEARINGS, THE LINK WILL BE CREATED BY THE SECRETARY
OF THE PRESIDING JUDGE AND CIRCULATED TO THE LITIGANTS**

OPPOSED MOTION

9C BEFORE THE HONOURABLE JUDGE MANOIM J

9D BEFORE THE HONOURABLE JUDGE MAHOMED J

9E BEFORE THE HONOURABLE JUDGE E DU PLESSIS J

9F BEFORE THE HONOURABLE JUDGE BARNES AJ

8E BEFORE THE HONOURABLE JUDGE MANAMELA AJ

8F BEFORE THE HONOURABLE JUDGE NTLAMA-MAKHANYA AJ

UNOPPOSED MOTION

GC BEFORE THE HONOURABLE JUDGE MABESELE J

GD BEFORE THE HONOURABLE JUDGE WRIGHT J

GE BEFORE THE HONOURABLE JUDGE FISHER J

URGENT APPLICATIONS

9A BEFORE THE HONOURABLE JUDGE ADAMS J

9B BEFORE THE HONOURABLE JUDGE DLAMINI J

INCOME TAX COURT

BEFORE THE HONOURABLE JUDGE DIPPENAAR J
(IT45887)

FAMILY COURT

11B BEFORE THE HONOURABLE JUDGE YACOOB J

11C BEFORE THE HONOURABLE JUDGE VON LUDWIG AJ

SPECIAL INTERLOCUTORY COURT

GB BEFORE THE HONOURABLE JUDGE WANLESS J

RAF DEFAULT JUDGMENT COURT

8A BEFORE THE HONOURABLE JUDGE WEIDEMAN AJ

8B BEFORE THE HONOURABLE JUDGE A VAN DER MERWE AJ

CRIMINAL APPEALS

4F BEFORE THE HONOURABLE JUDGE MAKAMU J
AND BEFORE THE HONOURABLE JUDGE MKHABELA J
A102/2024 A46/2024

FULL COURT APPEALS: CRIMINAL

6F BEFORE THE HONOURABLE JUDGE ISMAIL J
AND BEFORE THE HONOURABLE JUDGE MALINDI J
AND BEFORE THE HONOURABLE JUDGE DOSIO J
A14/2023

CIVIL TRIAL OF LONG DURATION

Video-link BEFORE THE HONOURABLE JUDGE SENYATSI J
2015/19708

GA BEFORE THE HONOURABLE JUDGE MAHOSI J
2017/4964

1A BEFORE THE HONOURABLE JUDGE VELE AJ
2022/19251

GENERAL CIVIL TRIALS

11D BEFORE THE HONOURABLE JUDGE TWALA J

11E BEFORE THE HONOURABLE JUDGE MABASA AJ

11F BEFORE THE HONOURABLE JUDGE MAHLANGU AJ

8D BEFORE THE HONOURABLE JUDGE RAUBENHEIMER AJ

8C BEFORE THE HONOURABLE JUDGE SNYMAN A J

6C BEFORE THE HONOURABLE JUDGE I. STRYDOM AJ

6B BEFORE THE HONOURABLE JUDGE SALOOJEE AJ

THE CIVIL TRIAL ROLL BEFORE SUTHERLAND DJP.

THERE SHALL BE NO PHYSICAL TRIAL ROLL CALL.

PARTIES MUST COMPLY STRICTLY WITH THE PROVISIONS OF PARAGRAPH 19 OF THE REVISED CONSOLIDATED PRACTICE DIRECTIVE 01 OF 2024 (With effect from 26 February 2024 and amended on 12 June 2024)

Regarding Practice Notes:

1. *What is envisaged is a practice note filed **shortly before the trial** after a last check on whether a trial is necessary at all, and if so, how expeditiously can it be conducted. Axiomatically this assessment can only be made shortly before trial.*
2. *In several instances, a practice note is filed months before the trial date. This is of **no value** in declaring the status quo on the eve of trial. When matters are struck off because no recent practice note was filed, parties are understandably disappointed. The **recent** practice note is critical to the optimal utilisation of court time, and it must therefore be so that it must indeed be recent.*
3. *Litigants' attention is drawn to paragraphs 19.3, 19.4 and 19.5 of Practice Directive 01 of 2024 which came*

*into effect from 26 February 2024 and which were amended on 12 June 2024. The practice note, prepared in accordance with the practice note templates annexed to the Directive must be uploaded not earlier than **7 court** days and not later than **5 court** days before the hearing set-down. If no practice note is timeously uploaded (or uploaded after the cut-off date), the matter shall automatically be removed from the roll, and the date forfeited. If the practice note is non-compliant with the practice manual or Practice Directive 01 of 2024, the matter shall be automatically removed and similarly the date forfeited. The provision shall be strictly applied.*

4. LAST DATE TO SUBMIT PRACTICE NOTES: MONDAY, 03 FEBRUARY 2025

JUDGES, ACTING JUDGES AND LITIGANTS ARE REMINDED OF CHAPTER 6.9 OF THE PRACTICE MANUAL DATED OCTOBER 2018 WHICH DEALS WITH THE PROCEDURE TO ENROLL PART-HEARD CIVIL TRIALS

NOTE ON CIVIL TRIALS WHERE ON THE DAY IT IS CALLED THE PARTIES ANNOUNCE A DESIRE TO SETTLE

1. Judges and Acting Judges serving in the civil trial court must be circumspect when confronted by parties who seek a stand-down to settle.
2. Valuable judicial time is squandered whilst waiting on an agreement to be produced, if at all.
3. The standard procedure is that if a trial is not ready to run at 10h00 on the set down date it should be removed with no costs order. The judge is then available to take the next case.
4. In a case where the parties do settle in that week, an agreement can be brought to the judge who was presiding for it to be made an order. If settled later, the opportunity to re-enrol it on the settlement roll on one weeks' notice remains available
5. The cases awaiting a judge's attention must not be left to linger and risk being crowded out.

The abuse by parties is particularly prevalent in RAF cases.

NUMBER ON ROLL	CASE NO	PARTIES	DATE TRIAL DATE APPLIED FOR	DATE TRIAL DATE GRANTED	ALLOCATION/ORDER GRANTED
PART A: GENERAL CIVIL TRIALS					
1.	2021/39063	SULTAN ZEBERGA SHIRBEZA VS TOBITRIX (PTY) LTD Plaintiff: Adv Vilakazi Defendant: Adv T Ndaba Delictual – injuries sustained when piece of glass fell from the building Estimated duration: 2 days	22/06/2023	06/10/2023	TWALA J Secretary: Ms L Sithole Email: LoSithole@judiciary.org.za
2.	2021/34947	HITEKANE RIVONIA MBOMBI VS STEVEN MALUNGETE	12/06/2023	06/10/2023	No practice note (as set out in paragraphs 19.3, 19.4 and 19.5 of the Judge President's Practice Directive 01 of 2024 as amended on 12 June 2024) was uploaded to the electronic file – Matter is struck off from the trial roll.

3.	2019/38709	<p>GILBERT CHARLES SEBASTIAN VS MARNUS BELEGGINGS (PTY) LTD</p> <p>Plaintiff: Adv H P van Staden and Adv H Richards</p> <p>Defendant: Adv N Lombaard</p> <p>Contractual – building work done and no payment for maintenance</p> <p>Special Pleas</p> <p>Pre-trial conference: 16 May 2023</p> <p>Minutes filed: 31 May 2023</p> <p>Estimated duration: 3 days</p>		10/10/2023	<p>MABASA AJ</p> <p>Secretary: Ms N Nkumane</p> <p>Email: NNkumane@judiciary.org.za</p>
----	------------	---	--	------------	---

4.	2018/45311	HLANGWENI DANIEL VS CITY OF JHB METROPOLITAN MUNICIPALITY Plaintiff: Adv M Fisher Defendant: Adv L Segeels-Ncube Delictual – injuries sustained when plaintiff fell into a manhole Merits and quantum (general damages; loss of earnings; future medical expenses) Pre-trial conference: 29 April 2021; 20 April 2022; 23 November 2022; 12 September 2023; 20 January 2025 Minutes filed: 06 May 2021; 24 May 2022; 29 November 2022; 20 September 2023; 22 January 2025 Estimated duration: 1 – 2 days Interpreter to be used	07/05/2023	13/10/2023	MAHLANGU AJ Secretary: Mr T Senoko Email: TSenoko@judiciary.org.za
----	------------	--	------------	------------	---

5.	2022/2989	WAYNE VAN HOUTEN VS LYNETTE CHANBWERA MASHATE AND OTHER Plaintiff: Adv S Kabelo Defendant: Adv C L Mabasa Damages arising from contractual breach by the Defendant of a sale agreement and its addendum Pre-trial conference minutes filed: 05 October 2023 Estimated duration: 1 – 2 days	26/10/2023	30/10/2023	RAUBENHEIMER AJ Secretary: Ms Z Twaku Email: ZTwaku@judiciary.org.za
6.	2021/56552	SEBABATSO PHAHLANE VS THE CITY OF JHB METROPOLITAN MUNICIPALITY	09/10/2023	27/10/2023	Matter is removed from the trial roll by notice as it became settled
7.	2022/4167	AEROTON POWER SUPPLY (PTY) LTD VS REUNKO STEEL (PTY) LTD	31/08/2023	10/10/2023	No practice note (as set out in paragraphs 19.3, 19.4 and 19.5 of the Judge President's Practice Directive 01 of 2024 as amended on 12 June 2024) was uploaded to the electronic file – Matter is struck off from the trial roll.

8.	2017/42064	LERATO MAITE VS BORMAN DUMA ZITHA ATTORNEYS Plaintiff: Adv A Thompson Defendant: Adv R Baloyi Payment of outstanding advocate's invoices To determine: Whether invoices have prescribed; whether invoices are subject to taxation; whether invoices are due and payable by the Defendant Pre-trial conference minutes filed: 10 January 2025 Estimated duration: 2 – 3 days	09/10/2023	10/10/2023	SNYMAN AJ Secretary: Ms F Leremi Email: FLeremi@judiciary.org.za
9.	2020/597	MALOSE REGINALD MAKGETA VS INDUSTRIAL DEVELOPMENT CORPORATION AND OTHER Plaintiff: Adv L Msomi Defendant: Adv T Manchu SC and Adv S Lindazwe Defamation Pre-trial conference minutes filed: 31 January 2023 Estimated duration: 4 days	01/08/2023	23/02/2024	SALOJEE AJ Secretary: Ms N T Magwalivha Email: NTMagwalivha@judiciary.org.za

10.	2020/15886	SHADRACK NKHATHU VS MASIRHENI JOYCE CHABALALA Plaintiff: Mr Seunane Defendant: Adv E Bisschoff Divorce (Division of joint estate; customary marriage; forfeiture of benefits) Estimated duration: 1 day THE PRACTICE NOTE WAS UPLOADED ON 08 JULY 2024	05/03/2024	10/07/2024	I STRYDOM AJ Secretary: Mr T Fakude Email: TFakude@judiciary.org.za
PART B: ROAD ACCIDENT FUND					
MATTERS THAT HAVE STOOD DOWN FROM PREVIOUS WEEK					
21.	2023/000013	MMILISI SINDISWA PATRICIA OBO MMILISI MMUSI VS ROAD ACCIDENT FUND Plaintiff: Mr M Kutama Defendant: Ms M Madasele Merits and quantum (loss of earnings; general damages; future medical expenses) Estimated duration; 1 hour (if argued); 4 hours (if evidence led)	05/04/2024	18/04/2024	VELE AJ Secretary: Mr R Munonela Email: RMunonela@judiciary.org.za
MATTERS REMOVED FROM THE ROLL BY NOTICE					

MATTERS NOT ON THE ROLL, COURT FILES ARE NOT WITH ROLL CALLING JUDGE					
<p>1. The civil trial roll is submitted to the Office of the Deputy Judge President by the Registrar approximately nine (09) court days before the trial date and was correct when it reached the Secretary of the Deputy Judge President.</p> <p>2. The roll received from the registrar's office is then posted on the website of the Johannesburg Society of Advocates approximately five (05) court days before the trial date, where litigants may inspect the roll.</p> <p>3. The failure of the registrar to include matters on the roll must be taken up with the Registrar <u>by no later than five (05) court days before the trial date</u>. For that purpose, kindly approach the registrar, Ms N Mvumbi (NMvumbi@judiciary.org.za / 010 494 8399) timeously to enquire about the enrolment.</p> <p>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.</p> <p>5. Last-minute enquiries will not be accommodated.</p>					