

Deon Gericke

From: Tumi T. Mabona <TMabona@judiciary.org.za>
Sent: Friday, 17 July 2020 15:53
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Cc: Robert Maasdorp; Michele Campbell; Malebo Shongwe; Susara Kriel; Tumelo Ledwaba; Mbali Mahlangu; Tryphina Sekete; Esther Rikhotso

Subject: URGENT APPLICATIONS BEFORE JUDGE N DAVIS

Attachments: URGENT APPLICATIONS BEFORE JUDGE N DAVIS 20 - 25 JULY 2020.pdf; URGENT APPLICATIONS DIRECTIVES BEFORE JUDGE J W LOUW AND JUDGE N DAVIS.pdf

Importance: High

Good day

Herewith find the attached urgent application roll together with the directives for your attention.

Kind regards

Mrs. Tumetsi Mabona



REPUBLIC OF SOUTH AFRICA
HOUTHOOFDSTAD PRETORIA

SECRETARY TO JUDGE N DAVIS
High Court of South Africa
Gauteng Division, Pretoria
Palace of Justice
Room 161
TEL: 012 314 9023
Or 012 492 6884
CEL: 078 160 9760
FAX: 086 640 1077
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Disclaimer



BEFORE THE HONOURABLE JUSTICE N DAVIS

GAUTENG DIVISION, PRETORIA

URGENT APPLICATIONS 20 – 24 JULY 2020

COURT AT THE PALACE

TUESDAY 21 JULY 2020

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| 4 | ULTIMATE SPORTS NUTRITION PTY LTD & ANOTHER v
ANDREA BURSEY & ANOTHER | 29000/2020 |
| 6 | DORNA INVESTMENTS PTY LTD & ANOTHER v
UNKNOWN INDIVIDUALS ATTEMPTING TO ENTER
AND/OR TRESSPASS AND/OR SETTLE ON THE
IMMOVABLE PROPERTY KNOWN AS ERF 3,
SOSHANGUVE-TT TOWNSHIP & OTHERS | 29476/2020 |
| 8 | ELIZE STEYL v JOHANNES JACOBUS STEYL | 52894/2017 |
| 10 | K DE VRIES STYGER & ANOTHER v
MS LEKHOTHOANE & ANOTHER | 13871/2008 |
| 12 | S MOHLALA v ROOT X AUCTIONEERS & ANOTHER | 29468/2020 |

TAKE NOTE: Settlements and removals can be mentioned at any time prior to the allocated dates and times

Counsel and attorneys need otherwise only appear on the allocated dates and times of their matters

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| 14 | EMMANUAL ELIAS & ANOTHER v
MINISTER OF HOME AFFAIRS & ANOTHER | 29747/2020 |
| 16 | ANDRÉ FRANCOIS FERREIRA v ANNEKE B FERREIRA | 25723/2018 |
| 18 | A MOHALE & OTHERS v
VIA INTERNATIONAL CC & OTHERS | 30789/2020 |

FRIDAY 24 JULY 2020

- | | | |
|---|--|------------|
| 2 | C MATIASE v MERCEDES BENZ FINANCE
(Application withdrawn) | 20748/2020 |
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TAKE NOTE: Settlements and removals can be mentioned at any time prior to the allocated dates and times

Counsel and attorneys need otherwise only appear on the allocated dates and times of their matters



REPUBLIC OF SOUTH-AFRICA
THE HONOURABLE JUDGE J W LOUW

HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
P O Box 442, PRETORIA
Tel: (012) 492 6667

16 July 2020

TO: ALL PRACTITIONERS

IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE
DATED 25 MARCH 2020 FOR THE URGENT COURT OF 17 JULY
2020 (16:00) TO 24 JULY 2020 (16:00)

1. All applications which had already been enrolled by 12:00 on Thursday 16 July 2020 are indicated on the roll for Urgent Applications. Separate rolls will be distributed for Judge Louw and Judge Davis.
2. All matters on the Urgent Roll will be postponed *sine die* with no cost order, unless a Certificate of Urgency (par 79.2 of the Judge President's Directive of 24 April 2020 as amended by par. 20 of the Directive of 11 May 2020) has been issued, served on all parties concerned and filed by no later than Monday 20 July 2020 at 12:00. It is the duty of the practitioner who will issue the certificate to ensure that it has been sent by email to all parties concerned.
3. The Certificate of Urgency must contain full particulars of the practitioner who issues it, i.e. full names, contact number, email address and name of law firm/Bar. Full particulars of all parties on whom the Certificate has been served, must also appear on the Certificate.

4. Practitioners must ensure that all applications are uploaded on Caselines as required in terms of par. 3.1 of the JP's Directive of 24 April 2020. Papers which have not been properly indexed and paginated run the risk of being struck off the roll.
5. In all matters where a Certificate has been issued, a Practice Note as well as Heads of Argument must also be served and filed by all parties concerned as one of the "*other electronic means*" referred to in paragraph 3.1 of the Directive of 25 March 2020. The application will then be adjudicated "*on paper only*" (i.e. without an oral hearing). If any party requires an oral hearing, this must be motivated in the practice note with an indication of what further submissions other than those already made in the heads of argument need to be made orally. The judge to whom the matter has been allocated will then advise whether oral submissions will be allowed and how it will be accommodated. Failure to file a Practice Note and/or Heads of Argument timeously, will be an indication that there is no appearance for the party concerned and the application will then be dealt with in the absence of such party.
6. The Practice Note and Heads of Argument must be served and filed by no later than Monday 20 July 2020 at 12:00. The party who has filed the Certificate must also set out the reasons, in the Heads of Argument, why a matter is so urgent that it must be heard during the lockdown period, by referring to the evidence in the founding affidavit. It must also indicate, in unopposed matters, 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 at the time indicated in the notice of motion (subject to the degrees of urgency) and/or not to be so urgent as indicated in paragraph 3.9 of the Directive, it will be struck off the roll in which event a punitive costs order, and/or interdict, as indicated in paragraph 4 of the Directive may be made without any further reference to the parties concerned.

8. All new applications, after hours or during court hours, must first be brought to the attention of Judge Louw's clerk. In this regard the provisions of paragraph 7.1 to 7.4 of Chapter 13.24 of the Practice Manual will apply *mutatis mutandis*. New applications will only be enrolled after a Certificate of Urgency has been issued, served and filed. All the provisions regarding the service and filing of the Certificate, 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 practitioners were unable to upload on Caselines, must be done via email to the Judges' clerks, with an explanation why it was not possible to upload on Caselines. The judge's clerk must be informed telephonically that an email has been sent.

Particulars of the clerk of Judge Louw are as follows:

Ms E Rikhotso 072 295 2762 or 084 716 5900

ERikhotso@judiciary.org.za

Particulars of the clerk of Judge Davis are as follows:

Ms T Mabona 078 160 9760

TMabona@judiciary.org.za

10. No judgments will be handed down, only orders will be issued. This is subject to the judge's discretion to provide reasons. For this purpose, all practitioners are requested to prepare draft court orders by using "*MS Word format*" and upload same on Caselines.

J W LOUW

JUDGE OF THE HIGH COURT

PRETORIA