



MPUMALANGA DIVISION OF THE HIGH COURT

PRACTICE DIRECTIVES

PARAGRAPH	SUBJECT MATTER	PAGE
	Preamble	1
1	General	2
1.1	Indexing and pagination	2
1.2	Publication of court rolls	2 – 3
1.3	Virtual court hearings	3 – 4
1.4	Practice notes	4 – 5
1.5	Matters <i>in camera</i>	5
1.6	Stale service	5
2	Management of undefended civil action matters	5
3	Management of defended civil action matters	6 – 8
4	Enrolment of civil action matters	9 – 11
5	Management and enrolment of opposed motion court matters	11 – 14
6	Enrolment of unopposed motion court matters	14 – 15
7	Enrolment of applications for admission as legal practitioners	15 – 16
8	Enrolment of applications for suspension or striking-off from the roll of legal practitioners	17
9	Extension of a <i>rule-nisi</i>	17 – 18
10	Urgent motion court	18 – 19
11	Management of POCA matters	19 – 20

12	Management of criminal matters	20
13	Settlements	21
14	Postponements	21 – 22
15	Partly-heard trial matters	22
16	Management of applications for leave to appeal	23
17	Management of petitions	23 – 24
18	Enrolment and management of civil and criminal appeals	24 – 25
19	Management of reserved judgments	25
20	Management of reviews: criminal matters	25 – 26
21	Management of requests for default judgments	26 – 27
22	Management of taxation matters	27
23	Effective date of this practice directives	28

FORMS

Form	SUBJECT MATTER	PAGE
A1	Application for a trial date in an undefended civil action matter in terms of Rule 31(2) read with subrule 4	29 – 31
A2	Judicial case management conference minutes and court's directions in respect of civil trial matters	32 – 35
A3	Certificate of trial readiness – civil trial matters	36 – 38
B	Case management conference minutes and court's directions in respect of opposed motion court matters	39 – 42
C	Judicial case management conference minutes and court's directions in respect of criminal trial matters	43 – 48
D	Allocation of a hearing date for an appeal matter	49 – 51
E	Notice of taxation	52 – 53



OFFICE OF THE CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA

AMENDED PRACTICE DIRECTIVES FOR THE MPUMALANGA DIVISION OF THE HIGH COURT

PREAMBLE

In terms of section 8(4)(b) of the Superior Courts Act 10 of 2013 ("The Act"), the Head of Court is responsible for managing each court's judicial functions.

The provisions of section 8(4)(b), read with section 8(6) of the Act, give the Head of the Court the powers to regulate the conduct of proceedings and matters incidental thereto for effective judicial case management in a Division of the High Court.

Therefore, the Amended Practice Directives for the Mpumalanga Division are hereby issued replacing all the previous Practice Directives. It is issued with effect from 14 April 2025, as follows:

1. **GENERAL**

1.1 **Indexing and Pagination**

- (a) All matters placed on the court roll including urgent applications, irrespective of the number of pages, shall be indexed and paginated.
- (b) Court papers shall be paginated consecutively from the first to the last page.
- (c) The nature of the matter might require the papers to be arranged in several sections, each with separate subheadings, for instance pleadings, notices and so forth.
- (d) Should the number of pages of the court papers exceed 250, they shall be divided into bundles not exceeding 250 pages each.
- (e) A consolidated index shall be placed on top of the first court bundle's first page, and each bundle's index shall be placed on top of each relevant bundle.
- (f) Practice Notes, Heads of Argument, and draft orders shall not be bound together with the court papers and should therefore be kept separately and adequately marked.

1.2 **Publication of Court Rolls**

- (a) After allocation of the matters, the office of the Registrar shall publish a court roll of such allocated matters on the notice board at the court's main entrance and also send it to the Provincial Legal

Practice Council, Local Bar Councils, and Local Attorneys' Associations.

- (b) Further, the office of the Registrar shall prepare a court roll of all matters to be heard on a particular day. This court roll shall be published daily by no later than 16:00 of the day preceding the hearing date.
- (c) All court rolls shall contain the details of the parties, case numbers, the Presiding Judges, and the respective Judge's Secretaries, as well as the Secretaries' telephone numbers and email addresses.

1.3 **Virtual Court Hearings**

- (a) In instances where the parties appear via virtual conferencing, the following directives shall apply:
 - i. The secretary of the Presiding Judge shall set up a link to be circulated to all parties or their legal representatives.
 - ii. The link shall be issued with the court roll of the Presiding Judge, indicating the estimated time for the respective hearings.
 - iii. Persons appearing without legal representation must be provided with a link. If such persons do not have access to virtual conferencing facilities, the secretary of the Presiding Judge shall assist in providing a virtual courtroom.
 - iv. Any person(s) other than the parties to the proceedings having an interest in any matter conducted virtually may

request the link to such proceedings from the secretary of the Presiding Judge.

- v. Member(s) of the media wishing to join any proceedings must submit a request for a link to the Presiding Judge through the secretary.
- vi. The requested link(s) to the virtual court hearings as provided in paragraphs 1.3 (a)(iv) and (v) shall be shared with the consent of the Presiding Judge to preserve the integrity of the proceedings.
- vii. The secretary of the Presiding Judge shall be responsible for the audio recording of the proceedings.

1.4 **Practice Notes**

- (a) A Practice Note shall be filed in all matters before the close of the court roll and must contain the following details:
 - i. The date of the hearing;
 - ii. The names of the parties;
 - iii. The case number and its number on the court roll;
 - iv. The names of the legal representative(s) and their contact details, viz. office telephone numbers, cellphone numbers and email addresses;
 - v. The pronouns preferred by parties and legal representatives in court address;
 - vi. The nature of the matter;
 - vii. Estimated duration of the hearing;
 - viii. Whether or not the matter was previously postponed; and

- ix. The reason(s) for the postponement(s), if applicable.

1.5 **Matters in Camera**

- (a) Matters involving minor children shall be heard *in camera*; and
- (b) Any other matter on successful request to the Judge President, Deputy Judge President, or a designated Judge shall also be heard *in camera*.

1.6 **Stale Service**

- (a) When an unopposed application is brought 6 (six) months or more, after the date on which the summons or the application was served, and no intention to defend or notice of opposition was delivered, the applicant shall serve a notice of set down on the defendant(s) or respondent(s), as the case may be. The notice of set down shall set out the relief sought by the applicant.

2 MANAGEMENT of UNDEFENDED CIVIL ACTION MATTERS

- 2.1 In all undefended matters in which the claim(s) or any of the claim(s) is not for a debt or liquidated demand as provided in Rule 31(2)(a), the plaintiff shall apply for a date of trial with the office of the Registrar.
- 2.2 The application for a trial date shall be submitted with a duly completed Form A1 of this Practice Directives.

3 MANAGEMENT of DEFENDED CIVIL ACTION MATTERS

- 3.1 Upon delivery of an appearance to defend, any party will be at liberty to place matters on the judicial case management conference roll with the intention to achieve trial readiness.
- 3.2 Notwithstanding the provisions of this Practice Directives, the primary responsibility remains with the parties and their legal representatives to prepare properly, comply with all rules of court, and act professionally in expediting the matters towards trial and adjudication.
- 3.3 The parties shall ensure that the date chosen for any judicial case management conference is entered in the judicial case management conference provisional roll.
- 3.4 The plaintiff shall index and paginate the court file no less than 2 (two) court days before a judicial case management conference.
- 3.5 All judicial case management conferences shall be conducted via in-person court appearances.
- 3.6 Only legal representatives with the right of appearance in the High Court shall be allowed to appear during judicial case management conferences.
- 3.7 If a matter is found to be trial ready during a judicial case management conference, the Case Management Judge will certify the matter trial ready and thereby issue the certificate of trial readiness, viz Form A3 of this Practice Directives.
- 3.8 If at the judicial case management conference, it is found that there is any non-compliance with the court rules and/or case management directions, the Case Management Judge may either:

- 3.8.1 put the parties on such terms as are appropriate to achieve trial readiness, and direct them to report to the Case Management Judge at a further judicial case management conference on a fixed date; or
 - 3.8.2 strike the matter from the case management roll and direct that it be re-enrolled only after any non-compliance with the court rules and/or case management directions have been purged.
- 3.9 In addition to 3.8 of this Practice Directives, the Case Management Judge may make an order as to costs including an order *de bonis propriis* against the parties' legal representatives or any other person whose conduct has conducted unreasonably to frustrate the objectives of the judicial case management process.
- 3.10 If parties are directed to report to the Case Management Judge at a further judicial case management conference as provided in paragraph 3.8.1 of this Practice Directives, the parties shall be required to complete a Form A2 of this Practice Directives setting out the necessary timeframes for the delivery of any outstanding pleadings, notices and/or documents appropriate to achieve trial readiness. The Case Management Judge shall endorse the duly completed Form A2.
- 3.11 The parties may agree to abridge any time frames prescribed by the court rules as provided in Rule 27(1).
- 3.12 Any party may invoke the provisions of Rule 30A in the event of a defaulting party's failure to comply with the court rules or with an order or direction issued by a Case Management Judge during a judicial case management conference.

- 3.13 No matter shall be certified trial-ready unless there is strict compliance with sub-rules (8); (9) and (10) of Rule 37A.
- 3.14 Should any party anticipate that the hearing of a matter will take a day or more, a request shall be made for a special allocation of a trial date. The request must be made on a joint motion by the parties to the office of the Judge President within 20 (twenty) days from the date of certification of trial readiness.
- 3.15 Failure to attend a judicial case management conference or pre-trial conference amongst the parties shall not detract the other party from having a matter judicially case managed with timeframes set for the parties, including the defaulting party.
- 3.16 In case of any non-compliance with the court rules and/or case management directions issued at a judicial case management conference, the parties shall:
- 3.16.1 on the date fixed for the further judicial case management conference, be required to report to the Judicial Case Management Judge in a detailed statement on the failure to achieve trial readiness, or
- 3.16.2 remove the matter from the case management roll no later than 10 (ten) court days before the date allocated for the judicial case management conference, to make way for deserving matters.
- 3.17 A Case Management Judge who directs the parties to attend a further judicial case management conference, as provided in paragraph 3.8.1 of this Practice Directives, is not seized with the matter, and such a matter may be reallocated to any other available Judge.

4 ENROLMENT of CIVIL ACTION MATTERS

- 4.1 All civil trials, both defended and undefended, as provided in paragraphs 2 and 3 of this Practice Directives, will be enrolled for hearing each Monday of the 2nd, 3rd, 5th, 6th, 8th and 9th weeks of term.
- 4.2 The court roll shall close at noon on a Wednesday preceding two weekends before the date of the hearing. Should the Wednesday fall on a public holiday, the court roll shall close on the court day immediately before the said Wednesday of the close of the court roll. Whereafter, access to the court file shall not be allowed.
- 4.3 Only matters ready for commencement of trial to its conclusion shall be allocated for a hearing.
- 4.4 The Judge President, Deputy Judge President, or a designated Judge shall allocate civil trial matters via virtual court at 09:00 on the Friday after the close of the court roll. Should the Friday fall on a public holiday, the allocation shall be conducted on the first court day immediately after the stated Friday. The office of the Registrar shall distribute the link for the virtual proceedings to all interested parties or the parties' legal representatives.
- 4.5 The office of the Registrar shall publish the final court roll no later than the day of the allocation of the civil trial matters.
- 4.6 Once a matter has been allocated, all communication related to the said matter shall be directed to the Presiding Judge through her/his secretary by email, and all interested parties must be copied in such communication

- 4.7 On the Monday of the civil trial week, the Presiding Judge shall conduct a roll call on matters on her or his roll.
- 4.8 Any matter which may affect the continuous running of the trial to its conclusion must be disclosed to the Presiding Judge before the commencement of the trial.
- 4.9 After engaging the parties on any relevant issue(s), the Presiding Judge may remove any matter from the court roll if she or he is not satisfied that the matter is ready for trial.
- 4.10 Should any matter not be finalized within the allocated time, the Presiding Judge may postpone the matter to a date during the recess period, or under exceptional circumstances, order the matter to start *de novo*.
- 4.11 All hearings of civil trials shall be conducted via in-person court appearance.
- 4.12 Any party or legal representative wishing for a virtual court appearance shall submit a request to the Presiding Judge. The request may be for a fully virtual trial or a hybrid with some participants appearing in-person and others remotely.
- 4.13 The request provided in paragraph 4.12, shall be served on all interested parties and submitted before the close of the court roll for consideration by the Presiding Judge.
- 4.14 A Presiding Judge who receives a request envisaged in paragraph 4.12, in making the determination, will consider amongst others, the following:
- (a) Issues relevant to the achievement of an effective trial;

- (b) Needs and convenience of the parties, witnesses, and the Judge; and
- (c) Fairness and transparency to all parties involved.

4.15 If no order as to the separation of issues was made during the judicial case management conference as provided in Rule 37A(12)(f), the parties may, if they so wish, file an application in terms of Rule 33(4) before the close of the roll for consideration by the Presiding Judge.

4.16 Applications in terms of Rule 38(2) shall be filed before the close of the court roll for consideration by the Presiding Judge.

4.17 The court may at the hearing of a matter consider whether or not it is appropriate to make a special cost order against a party or such party's legal representative, for failure to attend a pre-trial conference; or failure, to a material degree, to promote the effective disposal of the litigation as provided in rule 37(9)(a)(i)-(ii).

5 MANAGEMENT and ENROLMENT of OPPOSED MOTION COURT MATTERS

5.1 Opposed motion court matters shall be case-managed any time after delivery of the notice to oppose. The parties shall be required to complete Form B of this Practice Directives setting out the necessary timeframes for the delivery of any outstanding notices, affidavits and/or documents appropriate for the readiness of a matter for adjudication.

5.2 The parties shall approach the office of the Registrar for allocation of a hearing date. The date chosen for the hearing of the application must be entered in the opposed motion court provisional roll.

- 5.3 Only opposed matters which have been case-managed shall be enrolled for a hearing.
- 5.4 The parties may agree to abridge any time frames prescribed by the court rules as provided in Rule 27(1).
- 5.5 Should any of the parties not cooperate in the completion of Form B after being requested, and/or the parties fail to agree on any aspect(s) required in terms of Form B, a request may be made to the office of the Judge President for a judicial case management conference.
- 5.6 Any request to enrol a matter for judicial case management before a designated Judge shall be accompanied by an affidavit setting out the reasons for the exemption from the application of the provisions of paragraph 5.1 of this Practice Directives. Such a request shall be served on all interested parties and thereafter be submitted to the office of the Judge President.
- 5.7 Should the Judge attending to the allocation of matters, at the close of the court roll, be satisfied that a matter is ripe for a hearing, she/he shall allocate the matter to any of the Judges on the opposed motion court roll.
- 5.8 Opposed motion court applications shall be heard at 10:00 on Tuesdays and Thursdays of the motion court weeks, viz. the 1st, 4th and 7th weeks of term.
- 5.9 The court roll shall close at noon on a Wednesday two weekends before the hearing date. Should the stated Wednesday fall on a public holiday, the court roll shall close on the court day preceding the Wednesday of the close of the roll.

- 5.10 Allocation of opposed motion court matters shall be conducted on a Wednesday after the close of the court roll by the Judge President, or the Deputy Judge President, or a designated Judge. The office of the Registrar shall publish the final court roll no later than Thursday following the Wednesday of the close of the court roll.
- 5.11 Should for any reason, during allocation, a matter be found not to be ready for a hearing, such matter shall then be judicially case managed at 9:00 on the Friday after the Wednesday of the close of the court roll. Should the Friday fall on a public holiday, the judicial case management conference will be conducted on the first court day immediately after the stated Friday. The proceedings shall be conducted via virtual court appearances.
- 5.12 Upon allocating the matters to the Judges on the opposed motion court roll, the Presiding Judge may direct the parties to file supplementary written heads of argument on any issue(s) the Judge may deem necessary.
- 5.13 The hearing of opposed motion court matters shall be conducted via in-person court appearance.
- 5.14 Should any party or her/his legal representative(s) wish for a virtual court appearance, she/he shall submit a request to the Presiding Judge. Such a request shall be served on all interested parties and filed before the close of the court roll for consideration by the Presiding Judge.
- 5.15 The parties are at liberty to dispense with any form of appearance for submission of oral argument for, amongst others, convenience and/or in the interests of justice. The parties shall then be required to file an “oral written argument document” of not more than 5 (five) pages in which issues are dealt with, succinctly.

- 5.16 The option of dispensing with any form of appearance for submission of oral argument, if preferred, shall be indicated in the parties' joint Practice Note.
- 5.17 Should any party anticipate that the hearing of a matter will take a day or more, a request shall be made for a special allocation of a hearing date. The request must be made on a joint motion by the parties to the office of the Judge President.

6 ENROLMENT of UNOPPOSED MOTION COURT MATTERS

- 6.1 Unopposed motion court applications shall be heard at 10:00 on Mondays and Fridays of the 1st, 4th and 7th weeks of term.
- 6.2 The court roll shall close at noon on a Monday and Friday preceding the hearing on the following Monday and Friday respectively, of the motion court week.
- 6.3 Should the Monday and/or Friday of the close of the court roll fall on a public holiday, the roll shall close on the court day preceding the Monday and/or Friday of the close of the roll, whichever is applicable.
- 6.4 Any matter not noted in the unopposed motion court provisional roll shall not be allocated to a Judge at the close of the court roll.
- 6.5 A Practice Note and a draft order shall be placed on top of the bundle of the indexed and paginated papers.
- 6.6 Unopposed motion court proceedings shall be conducted via in-person court appearances.

- 6.7 A party wishing for a virtual court appearance shall submit a written request to the Presiding Judge. Such a request shall be filed at the close of the court roll for consideration by the Presiding Judge.
- 6.8 Any party may, in the interest of justice and/or for convenience, opt to dispense with any form of appearance for submission of oral argument. Such an option shall be indicated in the Practice Note.
- 6.9 Uncontested divorce matters shall be enrolled on the unopposed motion court roll. The Plaintiff or the Defendant may elect to lead oral evidence, alternatively the evidence may be given in an affidavit.
- 6.10 Summary judgments and Rule 43 applications, whether opposed or not, shall be enrolled on the unopposed motion court roll, provided any such opposed applications shall not exceed 5 (five) on a particular court roll.
- 6.11 Should any party indicate her/his intention to oppose, the matter shall be considered unopposed until the delivery of an answering affidavit.
- 6.12 No matter shall be postponed *sine die*.

7 ENROLMENT of APPLICATIONS for ADMISSION as LEGAL PRACTITIONERS

- 7.1 The applications for admission as Legal Practitioners shall be enrolled on Fridays of the motion court week before 2 (two) Judges.
- 7.2 The hearings of the admission applications shall be via the in-person court appearance of the applicants and their legal representatives.

- 7.3 Any party wishing for a virtual court appearance shall submit a request to the Presiding Judges. The request shall be filed with the Practice Note at the close of the court roll for consideration by the Presiding Judges.
- 7.4 Should the hearing be conducted via virtual court proceedings:
- (a) The applicant shall contact the Senior Judge's secretary at least 2 (two) days before the hearing to uplift the oath to be signed during the admission proceedings.
 - (b) The applicant shall file the signed oath within 24 (twenty-four) hours of admission.
- 7.5 An Attorney or a Trust Advocate for the applicant shall file an affidavit confirming that she/he has examined related documents such as the applicant's ID, and qualifications, and that such documents are authentic.
- 7.6 A Candidate Legal Practitioner for admission as an attorney shall be appropriately dressed but not wear a robe as attorneys do not automatically enjoy a right of appearance in the Superior Courts. A candidate for admission as an advocate shall be robed and dressed in an advocate's gown, black dustcoat, white shirt, and bib. A candidate for admission as a notary and/or conveyancer who enjoys the right of appearance as contemplated in section 25(3) of the Legal Practice Act read with rule 20.6, shall be robed and dressed in an attorney's gown, black dustcoat, white shirt, and bib.

8 ENROLMENT of APPLICATIONS for SUSPENSION, or STRIKING-OFF FROM THE ROLL of LEGAL PRACTITIONERS

- 8.1 All applications for suspension, or striking-off from the roll of Legal Practitioners shall be heard before 2 (two) Judges.
- 8.2 The suspension, or striking-off applications shall be enrolled on Monday of the motion court week and the date of hearing shall be arranged with the office of the Registrar.
- 8.3 The necessary court papers for a panel of 2 (two) Judges shall be indexed and paginated no later than 10 (ten) court days before the hearing date.
- 8.4 If such a matter is enrolled to be heard in the urgent motion court, it will be considered in line with paragraph 10 of this Practice Directives. Should the Presiding Judge be satisfied with the requisite element or degree of urgency and the merits of the matter, an interim relief should be granted. The hearing for a final relief shall be before a panel of 2 (two) Judges subject to the provisions of paragraph 8.3 of this Practice Directives.

9 EXTENSION of a *RULE-NISI*

- 9.1 No *rule nisi* shall be extended more than twice without good and compelling reasons.
- 9.2 A *rule nisi* shall be returnable on the unopposed motion court roll, unless the matter is duly opposed at the time of the granting of the order.

- 9.3 If on the return day the matter is duly opposed, the matter shall be case managed by completing Form B of this Practice Directives, and the *rule nisi* shall be extended to the opposed motion court roll.

10 URGENT MOTION COURT

- 10.1 Urgent applications shall be heard at 10:00 every Tuesday of each week. Should the Tuesday fall on a public holiday, the hearings shall be held on the court day immediately after that Tuesday.
- 10.2 The court roll for the matters enrolled to be heard on Tuesday at 10:00 shall close at noon on the Thursday of the preceding week. Should a Thursday fall on a public holiday, the roll shall close on the court day preceding the Thursday of the close of the roll.
- 10.3 Only in exceptional circumstances shall an urgent application be enrolled to be heard on a day and time other than 10:00 on a Tuesday.
- 10.4 The applicant must properly consider the degree of urgency and tailor the notice of motion to that degree of urgency.
- 10.5 The applicant in the founding affidavit must set out facts that justify the bringing of the application on a date and time other than 10:00 on a Tuesday as set out in paragraphs 10.1 and 10.2 of this Practice Directives.
- 10.6 The applicant must give all interested parties sufficient notice of the place, date and time of the application hearing to allow them reasonable time to prepare and file the opposing papers and attend the court hearing.

- 10.7 If the applicant requires the operation of any court rule(s) to be dispensed with, the basis for such request must be clearly and concisely set out in the founding affidavit.
- 10.8 If the application is not enrolled properly and/or lacks the requisite element or degree of urgency, the application shall be struck off the roll.
- 10.9 If a party brings an urgent application on any day and/or time outside the ordinary court hours, the secretary of the Judge on the urgent court roll, must be contacted on the urgent court's cellular phone number: Mbombela (Main Seat) 082 371 5548 and Middelburg (Local Seat) 082 371 7597.
- 10.10 Every urgent application shall, irrespective of the number of pages, be indexed and paginated at the time of issue. The index and pagination shall be updated accordingly before the hearing of the application.
- 10.11 The proceedings in the urgent court shall be conducted via in-person court appearances unless directed otherwise by the Presiding Judge in respect of hearings scheduled for after-court hours.

11 MANAGEMENT of POCA MATTERS

- 11.1 *Ex parte* applications in terms of sections 26 and 38 of the Prevention of Organised Crime Act, 121 of 1998 ("POCA") will be allocated as chamber work.
- 11.2 The Applicant and/or its legal representative shall file a Practice Note and a draft order with the application.

- 11.3 The Judge allocated to deal with the application shall give direction(s) as to the date and time which she or he will consider the application, and the secretary of the concerned Judge shall advise the applicant and/or its legal representative accordingly.
- 11.4 Once the *ex parte* application has been considered by the Judge, the outcome of such application shall be communicated to the Applicant and/or its legal representative through the Judge's secretary using the details provided in the Practice Note.

12 MANAGEMENT OF CRIMINAL MATTERS

- 12.1 All criminal matters shall be case managed through a conference arranged to be heard before a Judge designated by the Judge President or Deputy Judge President.
- 12.2 The judicial case management conferences shall be conducted via in-person court appearances on Friday of the first week of the recess period regarding the criminal matters scheduled to be heard in the next term.
- 12.3 The accused or her/his legal representative and the Prosecutor on behalf of the State shall, during the judicial case management conference, submit a completed Form C of this Practice Directives.
- 12.4 Court hours must always be observed and all criminal trials are scheduled to start at 09:00.

13 SETTLEMENTS

- 13.1 The parties must inform the Presiding Judge as soon as a matter becomes settled.
- 13.2 Should a matter become settled after issuing of the court papers, but before it is allocated to a specific Judge, the parties must inform the office of the Registrar accordingly.
- 13.3 Matters envisaged in paragraph 13.2 shall be allocated as soon as reasonably and practically possible, depending on the availability of a Judge.
- 13.4 All applications for settlement agreements to be made orders of the court, where applicable, must comply with the provisions of section 4(1) of the Contingency Fees Act No. 66 of 1997.

14 POSTPONEMENTS

- 14.1 There shall be no postponement of matters *sine die*.
- 14.2 Matters shall remain on the appropriate court roll until finalized in their entirety.
- 14.3 Any request for a postponement shall be on a substantive application to be enrolled for hearing on the date of hearing that is sought to be postponed. If the application is refused, the matter will proceed, and if the application is granted, the matter will be case-managed on that day.
- 14.4 A matter may be postponed to a specific date should the Presiding Judge find the matter to be ready for a hearing, thus there being no need for a

further case management conference. In that event, the parties or their legal representatives shall note the particulars of such a matter in the applicable provisional court roll before the court grants such a postponement.

- 14.5 Where an application is enrolled on the unopposed motion court roll as an interlocutory application and the main action or application is not yet enrolled, for example, a party complies with an application to compel before the hearing of the interlocutory application, the matter shall not be removed from that roll. Instead, the hearing date for the interlocutory application shall be used to case manage the main application/action unless it has already been case managed.

15 PARTLY-HEARD TRIAL MATTERS

- 15.1 A partly-heard trial matter shall be postponed to a specific date during the recess period, otherwise it may be postponed to a date during term provided that the Judge concerned will be on the applicable court roll during that particular term and the partly-heard matter will not interfere with the court roll for the term.
- 15.2 In case of criminal trial matters, the enrolment of a partly-heard matter during recess or term, shall be arranged with the DPP Roll Planner in consultation with the Secretary of the Judge President. This shall be done to avoid congestion during recess or term.

16 MANAGEMENT of APPLICATIONS for LEAVE to APPEAL

- 16.1 A party applying for leave to appeal shall file the application for leave to appeal together with the judgment intended to be appealed. Where a judgment was delivered *ex tempore*, it shall be the responsibility of the party applying for leave to appeal to have the judgment transcribed.
- 16.2 As soon as the application for leave to appeal is filed, the Registrar shall pass the papers to the Secretary of the Judge who dealt with the matter. The Secretary in consultation with the Judge concerned shall without delay schedule the hearing of the application on any court day at 09:00 or any other convenient time not affecting the daily court roll.
- 16.3 The application must be served on all interested parties before filing with the Registrar.
- 16.4 Where the application for leave to appeal is delivered late, it must be accompanied by a substantive application for condonation.
- 16.5 Should the Judge who dealt with the matter not be readily available, the application may be heard by another Judge designated by the Judge President or Deputy Judge President in which case, the Judge who dealt with the matter, where possible, may be consulted for a view on the application.

17 MANAGEMENT of PETITIONS

- 17.1 Every petition from the District or Regional Magistrate's Court shall be considered in chambers by 2 (two) Judges.

- 17.2 The Registrar shall prepare the files within 2 (two) days upon receipt of any petition matter, and distribute same to 2 (two) available Judges.
- 17.3 The Judges considering the petition shall expeditiously attend to the matter and dispose of such a petition within 10 (ten) days from the date of receipt.

18 ENROLMENT and MANAGEMENT of CIVIL and CRIMINAL APPEALS

- 18.1 A party applying for a hearing date of an appeal shall lodge certified copies of the record with the Registrar.
- 18.2 The record shall contain a correct and complete copy of the pleadings, evidence and all documents necessary for the hearing of the appeal, together with an index thereof.
- 18.3 The appellant or the person lodging the record shall confirm in writing that she/he has satisfied herself/himself that the documents in the appeal record are relevant and have been arranged logically and coherently.
- 18.4 The Registrar shall allocate a date and communicate such information and further directions in Form D of this Practice Directives to the party applying for a hearing date of the appeal.
- 18.5 The court files shall be indexed and paginated at the latest 10 (ten) court days before the hearing date. The Practice Note(s) and the heads of argument shall be placed on top of the bundles of the indexed and paginated papers.

- 18.6 The hearing of appeal matters will be conducted via in-person court appearance.
- 18.7 Any party or legal representative wishing for a virtual court appearance shall notify all interested parties and submit a request to the panel of Judges. The request shall be submitted at least 10 (ten) court days before the hearing date for consideration by the panel of Judges.
- 18.8 The parties are at liberty to opt to dispense with any form of appearance for submission of oral argument. Such an option shall be indicated in a joint Practice Note to be filed no later than 10 (ten) court days before the hearing for consideration by the panel of Judges.

19 MANAGEMENT of RESERVED JUDGMENTS

- 19.1 Any reserved judgment shall be delivered within a reasonable time but no later than 3 (three) months from the date it was reserved.

20 MANAGEMENT of REVIEWS: CRIMINAL MATTERS

- 20.1 All criminal review matters from the District or Regional Magistrate's Courts shall be filed with the Registrar.
- 20.2 The Registrar shall distribute the review matters to the Judges within 2 (two) days of receipt.
- 20.3 The Judges shall attend to the review matters expeditiously and dispose of them within 7 (seven) days.

- 20.4 Should the proceedings be found to be in accordance with justice, the Judge will endorse the certificate accordingly.
- 20.5 Should it appear to the Judge that the proceedings are not in accordance with justice or that doubt exists whether the proceedings are in accordance with justice, the Judge concerned shall request the Magistrate to comment on her or his concerns regarding the proceedings.
- 20.6 Should the Judge concerned or any Judge upon receipt of comments by the Magistrate still not be satisfied that the proceedings or part thereof were in accordance with justice, the Director of Public Prosecutions shall be asked for a comment. For this purpose, the transcribed record of the proceedings, queries raised with the Magistrate, and comments thereto shall be provided to the Director of Public Prosecution.
- 20.7 A judge who had previously dealt with the matter and referred it to either the Magistrate or the Director of Public Prosecutions for comment is not necessarily seized with the matter, and such a matter may be reallocated to any other available Judge.
- 20.8 Should the Judge find that the conviction and/or sentence ought to be set aside and/or substituted, judgment shall be prepared to be co-signed by another Judge.

21 MANAGEMENT of REQUESTS for DEFAULT JUDGMENTS

- 21.1 The request for a default judgment to be considered by the Registrar shall be attended to within 14 (fourteen) days of filing.

- 21.2 Any party whose request for default judgment is unduly delayed may report such a delay to the office of the Judge President or Deputy Judge President.
- 21.3 Queries raised by the Registrar regarding the requests for default judgments filed, must be attended to by the party or party's legal representative at least within 5 (five) days of receiving such a query.
- 21.4 It shall be the responsibility of the parties or their legal representatives to check the status of the request at least 14 (fourteen) days after the date of filing.

22 MANAGEMENT of TAXATION MATTERS

- 22.1 Every bill of costs, submitted or filed with the Registrar, shall be enrolled for taxation within 21 (twenty-one) days of filing.
- 22.2 The Taxing Master shall not proceed with taxation and consider the bill of costs unless she or he is satisfied that the party liable to pay same has received due notice as to the time and place of such taxation as contemplated in Rule 70 (3B).
- 22.3 Should a notice of objection or opposition to the bill of costs be filed, the specific items objected to and the grounds of the objection shall be set out in such notice.
- 22.4 Any party in whose favour costs have been awarded shall file Form E of this Practice Directives, a notice of taxation and a bill of costs.
- 22.5 Any party whose taxation is unduly delayed may report the delay to the office of the Judge President or Deputy Judge President.

23 EFFECTIVE DATE of THIS PRACTICE DIRECTIVES

23.1 This Amended Practice Directives shall apply with effect from the beginning of the 2nd term, viz **14 April 2025**.

THUS DATED AND SIGNED ON THE 28TH DAY OF MARCH 2025 AT
MIDDELBURG.



JUDGE S S MPHAHLELE
JUDGE PRESIDENT,
MPUMALANGA DIVISION OF THE HIGH COURT

FORM A1



IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)

CASE NO.

In the matter between:

.....**Plaintiff(s)**

and

.....**Defendant(s)**

**APPLICATION FOR A TRIAL DATE IN AN UNDEFENDED CIVIL ACTION
MATTER IN TERMS OF RULE 31(2) READ WITH SUBRULE 4**

1. It is confirmed that the matter is undefended in that:

1.1 The defendant has not filed a notice of intention to defend, or

1.2 The defendant has filed a notice of intention to defend, but has since
been *ipso facto* barred to plead.

2. Date of issue of Summons :

3. Date of Service of Summons :

4. Nature of the Claim :
.....

5. Details of Witnesses:

5.1 List of Witnesses:

.....
.....
.....
.....
.....
.....

5.2 Attach the summary of the evidence of each witness.

5.3 Estimated duration of hearing:

6. Any other issue that is not addressed in this Form affecting the progress of the matter shall be stated hereunder as follows:

.....
.....
.....
.....

7. An issue not sufficiently provided for in this Form, shall be stated on a separate paper or document.

8. The court file shall be indexed and paginated as provided in paragraph 1.1 of this Practice Directives.

9. Any settlement(s) shall be regulated by paragraph 13 of this Practice Directives.
10. Any postponement(s) shall be regulated by paragraph 14 of this Practice Directives.

PARTICULARS OF LEGAL REPRESENTATIVES:

PLAINTIFF(S):

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

TO BE COMPLETED BY THE OFFICE OF THE REGISTRAR

The case is hereby enrolled for hearing during the trial week of as matter number on that roll.

NAME OF THE OFFICIAL :

SIGNATURE :

DATE :

FORM A2



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Plaintiff(s)**

and

.....**Defendant(s)**

**JUDICIAL CASE MANAGEMENT CONFERENCE MINUTES AND COURT'S
DIRECTIONS IN RESPECT OF CIVIL TRIAL MATTERS**

Before the Honorable Judge:Date:

1. This matter is case managed by a judicial officer.

2. The matter is enrolled for a further judicial case management conference onas matter number..... on that roll.
 - 2.1. The court will commence at 9:00 for the judicial case management conference.
3. The Defendant(s) shall file the Plea(s), where applicable, no later than
4. The Defendant(s) shall file the Counter-claim(s) where applicable, no later than
5. The Plaintiff(s) shall file the Plea(s) in Reconvention, where applicable, no later than
6. The Plaintiff(s) shall file the Replication, where applicable, no later than
7. The Plaintiff(s) shall file all expert(s) reports, where applicable no later than
8. The Defendant(s) shall file all expert(s) reports, where applicable no later than
9. The parties shall file experts' joint minutes, where applicable by no later than
10. The parties shall hold a meaningful pre-trial meeting as required by Rule 37, no later thanand the pre-trial minutes shall thereafter be filed no later than
11. The parties shall indicate if there are any outstanding decision(s) from any regulatory body impacting the progress of the matter:

-

12. The court file shall be indexed and paginated as provided in paragraph 1.1 of this Practice Directives.
 13. Any settlement(s) shall be regulated by paragraph 13 of this Practice Directives.
 14. Any postponement(s) shall be regulated by paragraph 14 of this Practice Directives.
 15. Any other issue that is not addressed in this Form affecting the progress of the matter shall be stated hereunder:

 16. Any issue not sufficiently provided for in this Form, shall be stated on a separate paper or document to form part of the case management directive or order.
 17. Do the parties agree to the Case Management Judge presiding over the trial of this matter as envisaged in Rule 37A(15)?

Yes ☐ / No ☐

PARTICULARS OF THE LEGAL REPRESENTATIVES:

PLAINTIFF(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

DEFENDANT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

FORM A3



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Plaintiff(s)**

and

.....**Defendant(s)**

CERTIFICATE OF TRIAL READINESS – CIVIL TRIAL MATTERS

1. This matter is certified trial ready during a judicial case management conference.
2. The matter is hereby enrolled for a hearing during the trial week ofas matter number on that roll.

3. The Court file shall be indexed and paginated as provided in paragraph 1.1 of this Practice Directives.
4. Any settlement(s) shall be regulated by paragraph 13 of this Practice Directives.
5. Any postponement(s) shall be regulated by paragraph 14 of this Practice Directives.

PARTICULARS OF THE LEGAL REPRESENTATIVES:

PLAINTIFF(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

DEFENDANT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

FORM B



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Applicant(s)**

and

.....**Respondent(s)**

**CASE MANAGEMENT CONFERENCE MINUTES AND COURT'S DIRECTIONS IN
RESPECT OF OPPOSED MOTION COURT MATTERS**

1. This matter is case managed after notice to oppose was filed on:

.....

2. The hearing date is hereby determined and agreed upon by the parties or parties' legal representatives as theof.....20..... at 10:00 as matter number on that roll.

3. The parties or parties' legal representatives hereby agree and determine the time frames as follows:
 - 3.1 The answering affidavit(s) shall be delivered by no later than
.....
 - 3.2 The replying affidavit shall be delivered by no later than
.....
 - 3.3 The applicant's heads of argument shall be delivered by no later than
.....
 - 3.4 The respondent's heads of argument shall be delivered by no later than
than
.....
4. The court file shall be indexed and paginated as provided in paragraph 1.1 of this Practice Directives.
5. Any settlement(s) shall be regulated by paragraph 13 of this Practice Directives.
6. Any postponement(s) shall be regulated by paragraph 14 of this Practice Directives.
7. It is recorded that filing of any further affidavits beyond the standard 3 (three) sets requires leave from the court.

8. Any other issue that is not addressed in this Form affecting the progress of the matter shall be stated hereunder:

.....
.....
.....
.....

9. An issue not sufficiently provided for in this Form, shall be stated on a separate paper or document.

PARTICULARS OF THE LEGAL REPRESENTATIVES:

APPLICANT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

RESPONDENT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

FORM C



IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG
(LOCAL SEAT)

CASE NO.

In the matter between:

.....**The State**

and

.....**Accused**

**JUDICIAL CASE MANAGEMENT CONFERENCE MINUTES AND COURT'S
DIRECTIONS IN RESPECT OF CRIMINAL MATTERS**

1. Legal Representation for the accused:

Private Defence:

☐

Legal Aid Board:

☐

1.1 In case of Private Defence, is the legal representative fully instructed financially or has any adequate arrangement been made for the fees?

Yes

☐

No

☐

1.2 Has the Defence legal representative consulted with the accused?

Yes

☐

No

☐

1.3 If not, furnish the reason(s) and the plans for the consultation before the commencement of the trial:

.....

.....

.....

1.4 Is the Defence ready to proceed with the trial?

Yes

☐

No

☐

1.5 If not, furnish reasons for the unreadiness:

.....

.....

.....

2. Trial readiness in respect of Accused:

2.1 How will the accused plead to the charge(s)?

Guilty

☐

Not Guilty

☐

2.2 If not guilty, will the accused make a plea explanation as envisaged in section 115 of the Criminal Procedure Act (no. 51 of 1977)? If yes, what is the basis of the defence?

(NB! The accused is informed of the right to remain silent and not make a plea explanation.)

Defence:
.....
.....
.....

2.3 In what language does the accused wish to testify (the language he understands)?

Defence:

2.4 How many witnesses does the State intend to call? (Specify as to how many are eye witnesses, formal or expert witnesses):

State:
.....
.....

2.5 A separate list, if not contained in the indictment, should be provided to the Defence, reflecting the names of all witnesses and summary of the evidence they shall give at trial.

Has the Defence been provided with the list?

Yes ☐ No ☐

2.6 Is the accused going to make admissions? If so, what evidence would be admitted?

Defence:
.....
.....
.....

2.7 Is any evidence discovered/disclosed by the State whose admissibility is disputed by the Defence, requiring a trial-within a-trial? If so, specify the nature of evidence and the reasons thereof:

Defence:
.....
.....
.....
.....

2.8 Does the Defence intend to call any witnesses? If so, how many?

Defence:
.....
.....

2.9 Does the Defence require assistance from the State to secure the presence of the Defence witnesses? If so, specify the names, addresses and contact details of such witnesses:

Defence:
.....
.....
.....
.....

2.10 In what language will the Defence witnesses testify?

Defence:

2.11 Parties are informed that the trial is expected to proceed till end (the running roll) and that no new trial shall commence until this one has reached its finality.

2.12 What is the estimated duration of the trial?

State :

Defence :

2.13 Do the parties have any objection to the case management Judge presiding over the trial of this matter?

State :

Defence :

NB! Any request for a postponement on the hearing date shall be brought on a substantive application. The court shall make an order it may deem fit under the circumstances, which *inter alia*, may be that a trial proceed without a legal representative, or postpone the matter to a fixed date and/or report the conduct of a recalcitrant legal practitioner to the Legal Practice Council for an inquiry.

PARTICULARS OF LEGAL REPRESENTATIVES:

Appearing on behalf of the State :

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Appearing on behalf of the accused:

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorneys of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

FORM D



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Appellant(s)**

and

.....**Respondent(s)**

ALLOCATION OF A HEARING DATE FOR AN APPEAL MATTER

1. The matter is hereby allocated the date of hearing for
.....as matter number on that roll.

NB! The party applying for the hearing date shall notify all interested parties of the date allocated for the hearing of this appeal.

2. If the Practice Note(s) and Heads of Argument are not filed at the latest 10 (ten) court days before the appeal's hearing date, the matter will not be allocated for a hearing.
3. The court file shall be indexed and paginated as provided in paragraph 1.1 of this Practice Directives.
4. Any settlement(s) shall be regulated by paragraph 13 of this Practice Directives.
5. Any postponement(s) shall be regulated by paragraph 14 of this Practice Directives.

PARTICULARS OF THE LEGAL REPRESENTATIVES:

APPELLANT(S):

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

RESPONDENT(S):

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

PERSON APPLYING FOR THE HEARING DATE:

Name of person applying for date :

Telephone/ cellphone no :

Email Address :

Attorneys of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

FORM E



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....Plaintiff(s) / Applicant(s)

and

.....Defendant(s) / Respondent(s)

NOTICE OF TAXATION

BE PLEASED TO TAKE NOTICE that the attached Bill of Costs will be submitted to the Taxing Master for taxation on..... at 09h30 or soon thereafter as directed by the Taxing Master.

BE PLEASED TO TAKE FURTHER NOTICE that the provisions of Rule 70 read with paragraph 22 of this Practice Directives have been complied with.

THUS SIGNED AND DATED AT..... ON THIS DAY OF.....
20.....

Attorney(s) of record (Law firm)