

MPUMALANGA DIVISION OF THE HIGH COURT COURT ONLINE DIRECTIVE

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1 INTRODUCTION

This Directive concerns the implementation of the Court Online system within the Mpumalanga Division of the High Court. All applicable laws, Rules, practices, and Directives remain in full force and must be observed. In instances where the use of the Court Online system presents incompatibilities with the current Practice Directives, an approach that closely aligns with the intent of such instruments should be adopted. Any deviations from established procedures must be promptly communicated to the Chief Registrar overseeing the affected court process.

2 BACKGROUND

The Office of the Chief Justice has introduced the Court Online system, an end-to-end electronic filing platform designed for the Superior Courts of South Africa. This system enables law firms and litigants to submit court documents and pleadings remotely via the internet, offering convenience and accessibility from any location. In addition to filing capabilities, Court Online enables Legal Practitioners and parties to manage their court schedules and access evidence digitally in real-time. Within the judiciary, the platform ensures that filed documents are electronically directed to the relevant Registrars and Registrars' Clerks for prompt processing.

3 ISSUING

3.1 In preparation for processing any matter on the Court Online system, Legal Practitioners/Litigants are required to register beforehand and initiate all cases on Court Online, as per <u>https://www.courtonline.judiciary.org.za</u>. A User Manual is available for download on the Judiciary website under Court Online>Workshop and Training>Training Manual. The following requirements also apply:

3.1.1 Foreign nationals who are registered with the Legal Practice Council (LPC) but do not possess a South African identity number should contact the Court Online Support helpdesk by email to <u>CourtOnlineSupport@judiciary.org.za</u> for assistance with registration details required by the system. The Legal Practitioner's LPC number

should be included in the email communication.

3.1.2 The maximum number of Summonses/Applications that each Law Firm shall be permitted to issue per day shall be fifteen (15), except for Rule 6(12) Urgent Applications.

3.1.3 All new cases initiated by litigants in person must be initiated on Court Online. The in-person litigants must be referred to the Court Online Service Desk, where designated court staff members can assist with the case initiation. A record of all these cases must be kept by the Registrar responsible for the management of the Court Online Service Desk.

3.1.4 When initiating an urgent application for issuing, the case must be marked as "urgent" when creating the case on Court Online. Cases that are not marked as urgent cannot be prioritized for issuing. Cases that are not intended to be enrolled on the urgent court roll may not be marked as urgent.

3.1.5 Cases wherein minor children are involved, surrogacy matters and Anton Piller Applications must be marked as "restricted access". Cases that do not fall into these categories may not be marked as restricted access.

3.1.6 The reference number generated upon submission of a new case for issuing is not the case number. The case number is automatically generated upon issuing by the Registrar. The reference number may not be recorded on any papers filed in the case file; only the case number must be used.

3.1.7 Only the Summons or Notice of Motion is to be uploaded when a case is initiated for issuing. The documents that follow should be uploaded once the case is issued.

3.1.8 When uploading a divorce Summons, Legal Practitioners are reminded to also upload the duly completed Stat SA form. Failure to include the Stats SA form will result in the Registrar rejecting the issuing of the Summons.

4 UPLOADING OF DOCUMENTS TO COURT FILE (CASE BUNDLE)

4.1 All documents must be uploaded in PDF format to the Court Online case file.

4.2 Once the bundle is created for a particular hearing date ("scheduled event"), the documents relevant to the hearing must be included in ("added to") the bundle from the Court Online case file.

4.3 The correct document type is to be selected when a particular document is uploaded to the case file. Legal Practitioners often select "other" when uploading documents on Court Online. The Presiding Judge will not be able to identify the document in this manner.

4.4 Legal Practitioners must refrain from selecting "other" from the document type selection list when documents are uploaded.

4.5 In the event that the document type selection list does not make provision for a specific document type, an email is to be sent to the Court Online Support helpdesk per <u>CourtOnlineSupport@judiciary.org.za</u> under the subject heading "Request to add a new document type on Court Online" with a description of the document type to be added to the document upload selection list.

4.6 No documents may be uploaded directly to the bundle in CaseLines. Documents uploaded in this manner will not be visible to the Judge.

4.7 Court files (case bundles) created on the Court Online Portal can only be accessed through the Court Online Portal.

5 ENROLMENT

5.1 Uploading a date request form and selecting the document type: "application for hearing or trial date" when submitting the form to the Registrar is equivalent to applying for a hearing date. 5.2 There is no need to "invite" any office profile as the application for a hearing or trial date is automatically routed to the Registrar or Clerk responsible for enrolment.

5.3 Enrolment of cases on Court Online is subject to the general requirements for enrolment as set out in this Directive.

6 NOTICE OF REMOVAL FROM THE ROLL

Should a litigating party wish to remove a matter from the roll on Court Online, the party is to upload the Notice of Removal and select the appropriate document type from the document upload selection list. The Notice of Removal should indicate the relevant roll from which the matter is to be removed. The Notice of Removal shall be uploaded at least 5 clear court days before the hearing of the matter, and the concerned party shall simultaneously notify the Secretary of the Judge hearing the matter, per email, of the removal of the matter. The Secretary shall, on the hearing date, remove the matter from the roll. The exact process must be followed should a matter be removed from the roll by agreement between the parties.

7 CASE OUTCOMES AND COURT ORDERS

7.1 Case Outcomes are recorded on the Court Online system. The outcomes are not visible to Court Online Portal users. Once an Order is generated, uploaded and published to the court file, the Order will appear in the Court Online Portal under "my case documents".

7.2 Sheriffs can access the cases to verify court Orders by selecting "access a case" on the Court Online Portal.

7.3 Signed Written Judgments and Draft Orders which are made Orders of Court -

7.3.1 The Judge's Secretary shall endorse the case file on Court Online, upload the Order or Judgment and publish the documents to the litigant portal for it to appear

under "my case documents" on that portal.

7.3.2 Ex tempore Orders and Orders from written Judgments (including Orders from Judgments in applications for leave to appeal) –

7.3.3 The Judge's Secretary shall endorse the case file on Court Online and ensure that the Order is generated, uploaded and published to the case file on the litigant portal under "my case documents".

8 TAXATION

8.1 Once a case reaches the post-hearing stage, taxation becomes available. The Judge's Secretary shall ensure that the taxation avenue becomes available after endorsing the case outcome.

8.2 All Bills of Costs must be uploaded together with the Notice of Intention to Tax a Bill of Costs. Settled bills must be uploaded as settled bills and must be accompanied by the acceptance of the offer.

9 WRITS AND WARRANTS

Writs and warrants must be uploaded to the case file and submitted to the Registrar for approval. The issued writ will appear in the Court Online Portal under "my case documents". It is important to note that when a Writ is filed in a case file on Court Online, it bears the Registrar's signature and court stamp. This does not constitute the issuing of a Writ. The Registrar shall, upon approval, upload the duly issued Writ of Execution.

10 URGENT APPLICATIONS

Legal Practitioners/Litigants who initiate Urgent Applications on Court Online must, when they serve such applications on the interested party and if such a party is not a participant in the Court Online system, provide the party with all information and documents related to the Court Online system.

10.1 After-hours Urgent Court applications:

10.1.1 The Legal Practitioner(s)/Litigant(s) must initiate the case for issuing in line with paragraphs 21 to 26, whereafter it will be issued with a case number on Court Online by the Urgent Court Judge's Secretary.

10.1.2 Once a case number is issued, the Legal Practitioner(s)/Litigant(s) must create the case bundle in line with the provisions set out in paragraphs 27 to 32 above.

10.1.3 The Judges' Secretaries doing Urgent Court duty shall, at least a week before commencing such duty, notify the respective Chief Registrar, who shall assign the appropriate role to the Secretaries which will enable them to issue applications on Court Online. The Secretaries are required to provide their contact details which will enable them to receive notifications during after-hours when any matter requiring attention during that period is brought.

10.1.4 The Urgent Court Judge's Secretary shall, upon receiving the directions of the Presiding Judge, set the matter down for hearing by creating an EVENT for the hearing of the matter on the allocated date and appropriate urgent court roll

10.2 Urgent Applications during after-hours by in-person/self-representing litigants:

10.2.1 Applications initiated by self-representing litigants who do not have the means to initiate their matters on Court Online shall be processed through email to the Urgent Court Judge's Secretary, who shall issue a case number manually and liaise with the Presiding Judge to adjudicate such applications.

10.2.2 On the court day after the hearing, the Judge's Secretary shall refer all such applications and related documents with the contact details of the parties, to the Court Online Service helpdesk whereafter the designated official shall create a case file on Court Online which is to be linked with the manually issued case number and upload the relevant documents to the file.

10.2.3 The Judge's Secretary shall thereafter ensure that the case file is endorsed, the Order uploaded and published to the case file, or in the instance where an Order is given *ex tempore*, have the endorsed case file assigned to the Registrar's Clerk for further handling.

10.3 Finalisation of urgent court matters:

At the conclusion of an urgent application and in addition to paragraph 10.2.3 above, the Judge's Secretary shall unmark the matter as urgent for it to be removed from the urgent court dashboard.

PART A - PROTOCOLS

11 UNOPPOSED MOTIONS ON COURT ONLINE

11.1 No provisional dates shall be allocated. The hearing date allocated is the final date, and final enrolment is not required.

11.2 In instances where the matter becomes opposed or, for any other reason, cannot proceed on the allocated hearing date, a Notice of Removal from the unopposed motion roll must be filed in the matter.

11.3 Matters that are removed from the roll by notice for the reason of having become opposed will appear on the court roll under the heading "Removed by Notice".

11.4 Matters removed for reasons other than having become opposed must be removed within the timeframe for removal as per paragraph 6 of this Directive.

12 COMPLIANCE WITH UNIFORM RULE 6(5)(b)

12.1 Immediately upon issuing of a new application, the application for a hearing date must be filed. Once the hearing date is allocated, the issued application must be

downloaded, the hearing date completed thereon by hand and initialled **prior** to service of the application on the respondent.

12.2 A copy of the application reflecting the hearing date that was served on the respondent should accompany the Return of Service once that is uploaded to the court file.

13 ADMISSIONS

13.1 After the *Ex Parte* application for Admission as a Legal Practitioner is issued, a date application form must be uploaded selecting the document type "Application for Admission Date".

13.2 Once the hearing date is allocated, the issued application must be downloaded, the hearing date completed thereon by hand and initialled **before** service of the application on the Legal Practice Council (LPC).

13.3 Walk-in requests for admission dates will **not** be accommodated.

13.4 The LPC must be invited to the hearing bundle by accessing the bundle from Court Online, selecting "update bundle", then "people" and inviting the LPC per infomp@lpc.org.za from the bundle in CaseLines.

13.5 Admission certificates may only be collected from the office of the Registrar after the certificate has been published to the court file.

14 TIME OF FILING

Documents and applications, including applications in terms of Uniform Rule 31(5), that are filed outside of court hours are deemed to have been filed on the following court day. The date and time as it appears on the Court Online cover letter is the date and time of filing.

15 CLOSE OF PLEADINGS

If the parties agree in writing that the pleadings are closed, such agreement must be filed with the Registrar in terms of Rule 29(c) by uploading the agreement with the document type selection "Close of Pleadings"

Parties are at liberty to upload a close of pleadings notice under this document type to confirm the close of pleadings in terms of Rule 29(a) or (b). Such a notice is advisable where Legal Practitioners are aware that a party to the litigation is unrepresented.

16 DEFAULT JUDGMENTS BEFORE THE REGISTRAR

16.1 When applying for a default judgment in terms of Rule 31(5), it is imperative that all supporting documents and any other relevant documents in relation to the application are uploaded **prior** to uploading the application.

16.2 If the application is uploaded without the supporting documents required to enable the Registrar to consider the application, such application must be returned by the designated Registrar or Clerk. Legal Practitioners will have to comply with paragraph 16.1 above before resubmitting the application.

PART B – CLARITY

17 ISSUING

17.1 When starting a case, Legal Practitioners must refrain from adding their own details as the contact person when entering the parties' details. *Where Legal Practitioners' details are added, it will appear on the cover sheet as if the Legal Practitioner is a party to the case. Case or party details cannot be altered once a case is issued.

17.2 There is no requirement to upload a 'scanner sheet' for issuing a new case on Court Online.

17.3 Only the initiating document (Notice of Motion or Summons) must be uploaded without any attachments (Affidavits or Particulars of Claim) when submitting a new case for issuing. The attachments may be uploaded after the case has been issued by selecting "My Case Documents", adding the document, and selecting the relevant document type description.

17.4 One cause of action between parties may only be issued once. Subsequent applications based on the same cause of action between the same parties **may not** be issued as a new case under a new case number and **must** instead be filed in the case already issued.

18 APPLICATIONS FOR HEARING DATES

All date application requirements as set out in the Practice Directives of this Division, including the certificate of trial readiness and declaration, must be uploaded prior to the uploading and submission of the date application form. Where required documents are not uploaded, the designated Registrar's Clerk must return the date application.

19 MATTERS ON CASELINES

19.1 Legal Practitioners must take note of CaseLines Notes made by the office of the Registrar. This is especially important to be done before escalations and before raising complaints about hearing date allocations.

19.2 It remains prohibited to invite multiple office profiles to a matter. The office of the Registrar must uninvite each office profile from such matters without attending to any requests made in the matter. The designated Registrar's Clerk must make a CaseLines Note to this effect.

19.3 Once an office profile is uninvited from a case, a CaseLines Note is made. Legal Practitioners **may not** immediately re-invite the same office profile concerning the same application or request. This is particularly relevant in Default Judgments before the Registrar.

20 COURT ONLINE CASE BUNDLES

20.1 A new case bundle must be generated for each hearing date in a matter.

20.2 Documents must be added to the bundle by selecting "My Case Documents", then clicking on the yellow "Bundle" button, selecting the documents to add and selecting the section to which the documents should be added. Thereafter click "Add to Bundle". If this is not done, the bundle will remain empty as documents are not automatically transferred to bundles.

20.3 When clicking "View Bundle", the sub-bundle for a particular hearing date opens in a new window. The sub-bundle is not paginated. In order to see the pagination, the bundle selection should be changed to "Master Bundle".

20.4 A consolidated index need not be filed, as reference may be made to the Master Bundle pagination.

20.5 No bundles may be created directly from CaseLines. All bundles must be created and accessed from Court Online.

21 GENERAL

21.1 Applications for hearing date allocations in the ordinary course will be attended to even during *dies non*, except for the period from the Monday before Christmas Day until New Year's Day.

21.2 Date applications received during this period, from Monday before Christmas Day until New Year's Day, will be attended to during the first week of the new year. *This does not apply to hearing dates for Urgent Applications.

21.3 No files or duplicate files may be created directly on CaseLines for matters that were issued on Court Online. Registrars' staff are directed not to process Court Online matters on CaseLines.

21.4 Any reference to "file with the Registrar" means uploading a document to the court file in Court Online. No emails containing documents for filing should be sent to any court staff member.

21.5 Legal practitioners and litigating parties must refrain from copying the office of the Registrar or Judges and their Secretaries in email communication between Practitioners or parties.

21.6 All Legal Practitioners must register on Court Online.

21.7 Court Staff cannot "invite" or grant access to anyone for matters on Court Online. If the Legal Practitioner representing the Applicant/Plaintiff failed to invite the Legal Practitioner(s) representing the Respondent/Defendant under Parties and Contacts, such Legal Practitioners (who were not invited) can access cases wherein they are involved through the "Access a Case" functionality on Court Online.

22 MATTERS IN WHICH ORDERS ARE MADE BY JUDGES IN CHAMBERS

22.1 All applications which are traditionally dealt with by a Judge in chambers shall only be dealt with if uploaded to CaseLines.

22.2 The responsible Registrar shall distribute the applications to Judges. The Registrar will upload the Order on CaseLines no later than 7 court days after the date of the Order.

23 COMMUNICATIONS WITH THE REGISTRARS AND JUDGES' SECRETARIES

23.1 It is important to use the correct email address for any aspect dealt with in these Directives. A summary of the relevant email addresses and escalation email addresses appears in paragraphs 23.10 and 23.11 hereof. Incorrect and abusive usage of email addresses will lead to the issue being raised in such emails not being

attended to. In particular, emails sent to the email address of the Judge President or the Chief Registrar regarding an issue covered in the Directives will be ignored.

23.2 The primary channel of communication is CaseLines Notes. Any aspect of any matter that cannot be dealt with on CaseLines Notes must be sent only to the relevant Registrar's email address. Enquiries or communication with specific sections must not be directed to or copied to the Chief Registrar or the office of the Judge President. In particular, complaints and enquiries relating to date allocation, final enrolment and general questions must be escalated only to the relevant escalation email address. Such complaints and enquiries must not be made or copied to the Offices of the Judge President, Chief Registrar or Court Manager.

23.3 It is important to furnish in any email to the Judge's Secretary the relevant email address that is to be used for any CaseLines link and video link invitation. Failure to provide the correct information inhibits effective communication and frustrates all involved. Video links are provided by Judges' Secretaries and issues relating to the receipt of video links must not be raised with the Registrar.

23.4 When a query is escalated to the appropriate escalation email address, Legal Practitioners are advised of the following:

23.4.1 Queries/complaints should be escalated after the expiry of five court days and only after confirming that no CaseLines Note had been made by the Registrar.

23.4.2 Do not attach any documents.

23.4.3 Do not send duplicate and/or follow up on emails.

23.4.4 Send emails during court hours.

23.4.5 Cite the case number.

23.4.6 Query emails must be limited to five cases. A separate email may be sent with other case numbers, should it be necessary.

23.4.7 The Registrar's response to the email will be in the form of a CaseLines Note within 2 days of receipt of the escalation email. Attorneys should consult the electronic case file on CaseLines and should not expect an email reply.

23.4.8 In motions, confirmation of final enrolment should be expected 1 day after closure of the roll. No enquiries regarding confirmation of final enrolment should be escalated prior to and/or on the date the roll closed.

23.4.9 Except for the escalation email addresses cited in paragraphs 23.10 and 23.11, the other office email addresses are no longer monitored.

23.5 NO walk-in enquiries or complaints related to the provisions covered in this Directive to the Office of the Registrar, Court Manager, Deputy Judge President or Judge President will be accommodated unless an invitation is extended to the complainant.

23.6 Registrars are legal professionals who are best suited to attend to enquiries and complaints relating to their respective sections and/or areas of responsibility. When sending emails to the email addresses stipulated below, attorneys must refrain from copying the Chief Registrar in such emails. In respect of enquiries and complaints, Chief Registrars are expected only to attend to such enquiries or complaints referred to them by the designated Registrar.

23.7 Only issues where proof that the Registrar or other court staff member failed to assist or where proof of misconduct is provided may be escalated per email to the offices of the Chief Registrar or Court Manager, respectively, and only to the office appropriate to the issue.

23.8 Judges' Secretaries are supervised by the Office Manager. Complaints about Judges' Secretaries should be directed to the Office Manager, together with proof of attempts to liaise with the Judge's Secretary directly, especially where the complaint relates to the uploading of signed Draft Orders which were made Orders of Court.

23.9 Enquiries should be made per telephone to the relevant telephone number(s) listed below and complaints should be sent to the relevant email address as it appears below. It is imperative that, before a complaint or enquiry is raised, the complainant should ensure that she/he has read the Directive to avoid and prevent unnecessarily burdening Court staff.

23.10 In Mbombela:

23.10.1 Unopposed Applications: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>unopposed.mbo@judiciary.org.za</u>

23.10.2 Opposed Applications: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>opposed.mbo@judiciary.org.za</u>

23.10.3 Urgent Applications: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>urgent.mbo@judiciary.org.za</u>

23.10.4 Civil Trial Matters: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>civiltrials.mbo@judiciary.org.za</u>

23.10.5 Judicial Case Management Conferences: 013 758 0000. Enquiries and complaints should be directed to the Registrar per jcmc.mbo@judiciary.org.za

23.10.6 Applications for Admission as Legal Practitioners: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>admissions.mbo@judiciary.org.za</u>

23.10.7 Taxation Matters: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>taxation.mbo@judiciary.org.za</u>

23.10.8 Rule 31(5) Default Judgments: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>rule31-5defaults.mbo@judiciary.org.za</u>

23.10.9 Appeal Matters: 013 758 0000. Enquiries and complaints should be directed to the Registrar per <u>appeals.mbo@judiciary.org.za</u>

23.10.10 LPC Matters: 013 758 0000. Enquiries and complaints should be directed to the Registrar per lpcmatters.mbo@judiciary.org.za

23.11 In Middelburg:

23.11.1 Unopposed Applications: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>unopposed.mdb@judiciary.org.za</u>

23.11.2 Opposed Applications: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>opposed.mdb@judiciary.org.za</u>

23.11.3 Urgent Applications: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>urgent.mdb@judiciary.org.za</u>

23.11.4 Civil Trial Matters: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>civiltrials.mdb@judiciary.org.za</u>

23.11.5 Judicial Case Management Conferences: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>jcmc.mdb@judiciary.org.za</u>

23.11.6 Applications for Admission as Legal Practitioners: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>admissions.mdb@judiciary.org.za</u>

23.11.7 Taxation Matters: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>taxation.mdb@judiciary.org.za</u>

23.11.8 Rule 31(5) Default Judgments: 013 492 2210. Enquiries and complaints should be directed to the Registrar per <u>rule31-5defaults.mdb@judiciary.org.za</u>

23.11.9 Appeal Matters: 013 492 2210. Enquiries and complaints should be directed to the Registrar per appeals.mdb@judiciary.org.za

23.11.10 LPC Matters: 013 492 2210. Enquiries and complaints should be directed to the Registrar per lpcmatters.mdb@judiciary.org.za

PART C: EMERGENCY ARRANGEMENTS WHEN COURT ONLINE IS INACCESSIBLE

Inevitably, with electronic systems, there is a risk of unforeseen downtime. This protocol serves to communicate the default plan when the Court Online system downtime exceeds one court day.

In the event that the system is inaccessible for the periods as set out below, the following alternative measures will be applicable:

24 DOWNTIME FOR 24 HOURS

24.1 Urgent Applications will be permitted to be issued manually over the counter at the Issuing Office.

24.2 Matters prescribing within a three (3) day period will also be permitted to be issued manually, subject to Registrar review to confirm pending prescription.

24.3 No ordinary matters may be issued in person.

25 DOWNTIME FOR FIVE (5) COURT DAYS OR LONGER

25.1 All processes will be permitted to be issued manually over the counter until such time as the system has been restored. Case numbers assigned will bear a court-issued prefix indicating that they were issued during system downtime.

25.2 Once the system has been restored, Legal Practitioners are required to upload and re-issue such matters on the Court Online portal and input the manually issued case number under the "Related Case Number" field when starting the case. Both the manual and Court Online issued case numbers must then reflect on all pleadings filed in the matter. 25.3 Matters issued manually during such periods of system inaccessibility may not be created on CaseLines and must be filed and proceed on the Court Online platform once accessibility has been restored.

25.4 The process for filing may be brought to court for stamping the date of filing. Such a process must be filed on the Court Online platform once accessibility has been restored.

26 ENROLLED MATTERS WITH HEARING DATES WITHIN THE NEXT 5 COURT DAYS

26.1 If a bundle had already been created from Court Online, that bundle may be accessed from CaseLines and the documents uploaded to the bundle for access by the Judge.

26.2 If a bundle has not been created from Court Online, an interim bundle may be created in CaseLines and the documents for the hearing uploaded.

26.3 If parties access CaseLines directly during system downtime, it is imperative to do a Court Online "Password reset" subsequently to ensure synchronization of the Court Online/CaseLines interface.

27 EFFECTIVE DATE OF THIS DIRECTIVE

This Directive shall apply with effect from the beginning of the 3rd term, *viz* **21 July 2025.**

THUS DATED AND SIGNED ON THE 18TH DAY OF JULY 2025 AT MBOMBELA.

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