



**OFFICE OF THE DEPUTY JUDGE PRESIDENT A P LEDWABA  
HIGH COURT OF SOUTH AFRICA, GAUTENG PROVINCIAL DIVISION, PRETORIA**

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27 October 2021

**TO: MEMBERS OF THE PUBLIC**  
**THE ROAD ACCIDENT FUND**  
**PROFESSIONAL BODIES**  
**PRACTITIONERS**

**RE: MANAGEMENT OF CROWDED OUT MATTERS**

This directive applies to the Pretoria High Court seat.

**INTERPRETATION**

1. This directive shall be interpreted and applied in accordance with the principle that notwithstanding the provisions in contained in the Practice Directives 01 of 2021.
2. Primary responsibility remains with the parties and their legal representatives to prepare properly, to comply with all Rules of Court, the practice manual and the Practice Directive and to act professionally in expediting the matter towards trial and adjudication.

3. The objectives of this directive is to ensure that only matters that verified trial ready and comply with Practice Directive are allocated dates on the trial roll.

### **NON-COMPLIANCE WITH PRACTICE DIRECTIVES**

4. We have noted that there is still a large-scale of non-compliance with the Practice Directive; in particular, the following areas of non-compliance observed are;
  - 4.1 Failure to upload the statement in terms Paragraph 14.1 within the required time frames;
  - 4.2 Parties not applying for trial interlocutory dates on time or too close to the allocated trial date;
  - 4.3 Practice note not being filed 5 days before the set down date (Paragraph 33 of the Consolidated Practice Directive 1 of 2020).
  - 4.4 Failure to do final enrolment (Paragraphs 33.1 of the Directive).
  - 4.5 Failure to adhere to timeframes.

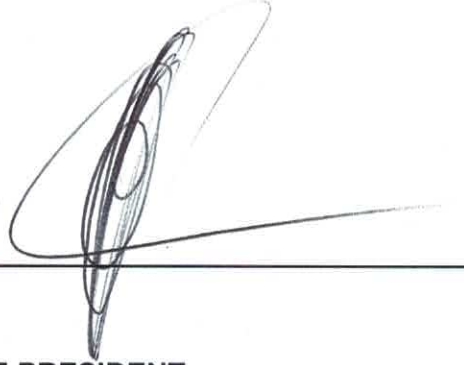
### **ALLOCATION OF CROWDED OUT MATTERS**

5. We have reserved space for allocation of matters that were on the trial roll and were crowded out or not allocated by the Court between March 2020 to June 2021 because of non-availability of Judges.
6. There are about 4000 matters which according to our records could have been crowded out. Some of the matters could have been settled or need not be re-allocated dates because of various reasons.

7. For proper management and verification of matters which fall between the abovementioned category are to be allocated trial dates, Plaintiff's Attorneys must comply with Paragraph 9 below.
8. Trial dates already allocated for crowded out matters are hereby revoked and the Plaintiff's Legal representatives must justify why the matters which were crowded out should be reallocated new trial dates.
9. In the statement or letter applying for re-allocation the following information should be clearly set out;
  - 9.1 A statement detailing the background regarding previous allocated trial dates, why the matters were removed and / or postponed and or not finalised on the allocated dates;
  - 9.2 If a certificate of trial readiness was granted same should be attached for category Y Matters;
  - 9.3 In matters where a certificate of trial readiness is a requirement for trial allocation but same was not granted, on what basis did the plaintiff qualify to be allocated a trial date;
  - 9.4 If the defendant's defence was struck, a court order to be attached;
  - 9.5 The date when was the last pre-trial held should be stated.
10. In respect of matters which were crowded out but have now become settled, removed or an application for default is sought, the Plaintiff's Attorneys should advise the Registrar accordingly.
11. Plaintiffs' Attorneys should upload the required statement on or before 19 November 2021 and invite the correct profile being [Reallocations@judiciary.org.za](mailto:Reallocations@judiciary.org.za) , failing which the crowded out matters will not be allocated trial dates.

Your cooperation will highly assist in the proper management of the trial roll.

Regards

A handwritten signature in black ink, consisting of a large, stylized 'L' shape with a horizontal line extending to the right, crossing a horizontal line below the signature.

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**A P LEDWABA**  
**DEPUTY JUDGE PRESIDENT**  
**NORTH GAUTENG HIGH COURT**