

As allocated

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG  
MONDAY 20<sup>TH</sup> FEBRUARY 2023**

**LITIGANTS' ATTENTION IS DRAWN TO THE DIRECTIVE DATED 25 JANUARY 2023 ISSUED BY THE HONOURABLE DEPUTY JUDGE PRESIDENT "POWER SUPPLY TO THE JOHANNESBURG HIGH COURT AND THE RESUMPTION OF PHYSICAL MODE OF HEARINGS AS THE DEFAULT POSITION"**

**THE DEFAULT MODE OF HEARINGS OF MATTERS IS IN PHYSICAL COURT**

**EVEN THOUGH THE DEFAULT MODE OF HEARINGS IS PHYSICAL, JUDGES MAY ELECT TO PROCEED VIRTUALLY**

**LITIGANTS ARE TO CONFIRM THE MANNER IN WHICH THE HEARING WILL BE CONDUCTED WITH THE SECRETARY OF THE PRESIDING JUDGE**

**IN VIRTUAL HEARINGS, THE LINK WILL BE CREATED BY THE SECRETARY OF THE PRESIDING JUDGE AND CIRCULATED TO THE LITIGANTS**

**OPPOSED MOTION**

9D BEFORE THE HONOURABLE JUDGE OPPERMAN J

Video-link BEFORE THE HONOURABLE JUDGE MIA J

Video-link BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J

Video-link BEFORE THE HONOURABLE JUDGE KUNY J

Video-link BEFORE THE HONOURABLE JUDGE STEIN AJ

**UNOPPOSED MOTION**

GC BEFORE THE HONOURABLE JUDGE MAIER-FRAWLEY J

GD BEFORE THE HONOURABLE JUDGE MAZIBUKO AJ

GE BEFORE THE HONOURABLE JUDGE VAN DER MERWE AJ

**URGENT APPLICATIONS**

9E BEFORE THE HONOURABLE JUDGE WINDELL J

9F BEFORE THE HONOURABLE JUDGE GILBERT AJ

**SPECIAL MOTION**

Video-link BEFORE THE HONOURABLE JUDGE DIPPENAAR J  
(2020/16122)

11F BEFORE THE HONOURABLE JUDGE SENYATSI J  
(2021/51959)

### **INCOME TAX COURT**

BEFORE THE HONOURABLE JUDGE MANOIM J  
*IT35476*

### **FAMILY COURT**

11B BEFORE THE HONOURABLE JUDGE KEIGHTLEY J

11C BEFORE THE HONOURABLE JUDGE SEGAL AJ

### **FULL COURT APPEALS: CRIMINAL APPEAL**

4F BEFORE THE HONOURABLE JUDGE ISMAIL J  
AND BEFORE THE HONOURABLE JUDGE YACOOB J  
AND BEFORE THE HONOURABLE JUDGE DOSIO J  
*A18/2020*

### **SETTLEMENT COURT**

1A BEFORE THE HONOURABLE JUDGE R STRYDOM J

### **SPECIAL TRIAL INTERLOCUTORY COURT**

GB BEFORE THE HONOURABLE JUDGE J STRIJDOM AJ

### **JUDGMENT**

BEFORE THE HONOURABLE JUDGE MABUSE J  
*2017/40690 UYS JORDAAN NO obo PHILANDI DAVID v ROAD ACCIDENT FUND*

### **CIVIL TRIAL OF LONG DURATION L**

8D BEFORE THE HONOURABLE JUDGE MAKUME J  
(2016/12387)

8A BEFORE THE HONOURABLE JUDGE MUDAU J  
(2021/26369)

8E BEFORE THE HONOURABLE JUDGE MOLAHLEHI J  
(2015/12933)

8C BEFORE THE HONOURABLE JUDGE RANDERA AJ

8B BEFORE THE HONOURABLE JUDGE MALUNGANA AJ

### **ARGUMENT**

6F BEFORE THE HONOURABLE JUDGE MOORCROFT AJ  
*INTELLISEED (PTY) LTD v JAN ALEXANDER MOKKEN 2018/7863*

14H00

### **GENERAL CIVIL TRIALS**

6A BEFORE THE HONOURABLE JUDGE MABUSE J

6C BEFORE THE HONOURABLE JUDGE WILSON J

6F BEFORE THE HONOURABLE JUDGE MOORCROFT AJ

11E BEFORE THE HONOURABLE JUDGE OOSTHUIZEN-SENEKAL J

9B BEFORE THE HONOURABLE JUDGE JORDAAN AJ

9C BEFORE THE HONOURABLE JUDGE J KHAN AJ

**THE CIVIL TRIAL ROLL BEFORE SUTHERLAND ADJP. IN TERMS OF  
PARAGRAPH 8 OF THE JUDGE PRESIDENT'S DIRECTIVE OF 17 APRIL 2020  
THERE SHALL BE NO PHYSICAL TRIAL ROLL. PARTIES MUST COMPLY  
STRICTLY WITH THE PROVISIONS OF PARAGRAPH 8 OF THE DIRECTIVE OF  
24 APRIL 2020. PARTIES SHALL BE NOTIFIED OF ALLOCATIONS BY EMAIL.**

*LITIGANTS ARE REMINDED OF THE DIRECTIVE DATED 25 JANUARY 2023 WHICH SETS OUT THE ARRANGEMENTS REGARDING THE MODE OF HEARING. PLEASE LIAISE WITH THE JUDGE'S SECRETARY TO WHOM THE MATTER IS ALLOCATED*

*THE DEFAULT MODE OF HEARING OF CIVIL TRIALS IS THROUGH PHYSICAL COURT.*

*CLOSING DATE TO SUBMIT PRACTICE NOTES:  
MONDAY, 13 FEBRUARY 2023*

NUMBER ON ROLL	CASE NO	PARTIES	ALLOCATION/ORDER GRANTED
PART A: GENERAL CIVIL TRIALS			

1.	2015/43528	<p>THEODOR WILHEM VAN DEN HEEVER N.O AND OTHER VS MARIA POULOS N.O AND OTHERS</p> <p>Plaintiff: Adv C Acker Defendant: Adv O Ben-Zeev</p> <p>Nicholas Valasis was one of two heirs (the second heir being his sister Maria Poulos) appointed in the will of their mother, the late Lulu Valasis, who passed away on 17 October 2012;</p> <p>5.4. On or about 1 April 2014 Nicholas Valasis signed a document titled <i>“RENUNCIATION OF BENEFITS”</i>, addressed to the Sixth Defendant, recording that he <i>“renounces all benefits bequeathed to him”</i> in the will of his late mother and that he <i>“...understand, having taken legal advice, that [his] said inheritance and the proceeds thereof will devolve upon [his] lawful issue by representation per stirpes, the same being for their benefit.”</i>, and then listed the names of his three children, i.e., the third, fourth and fifth defendants.</p> <p>A copy of the forestated notice is attached to the particulars of claim as annexure <b>“J”</b> and is referred to as <i>“the first renunciation of benefits”</i>.</p> <p>5.5. Nicholas Valasis was placed under provisional sequestration on 24 July 2014 and final sequestration on 20 August 2014.</p> <p>5.6. On 9 September 2014 the sixth defendant informed the first defendant (the executrix of the deceased estate of the late Lulu Valasis) that the first renunciation of benefits cannot be accepted because the renunciation cannot have a condition; that the distribution account cannot be accepted since it was done in terms of the renunciation, and that it falls to be amended accordingly in terms of the late Lulu Valasis’s will. A copy of this letter is attached to the particulars of claim as annexure <b>“M”</b>.</p>	<p><b>OOSTHUIZEN-SENEKAL AJ</b></p> <p>Secretary: Ms L Sithole E-mail: <a href="mailto:LoSithole@judiciary.org.za">LoSithole@judiciary.org.za</a></p>
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		<p>5.7. The forestated decision of the sixth defendant was not taken on review.</p> <p>5.8. On 10 December 2014 Nicholas Valasis prepared a second renunciation of benefits (<i>“the second renunciation of benefits”</i>), recording that he <i>“...hereby renounce all benefits bequeathed to me under the Last Will and Testament of my late mother, Lulu Valasis.”</i></p> <p>A copy of the second renunciation of benefits is attached to the particulars of claim as annexure <b>“N”</b>.</p> <p>5.9. The third to fifth defendants’ right against the deceased estate of the late Lulu Valasis is dependent on whether Nicholas Valasis validly renounced the bequest made to him in the will.</p> <p><b>6. ISSUES IN DISPUTE AND THE PARTIES’ CONTENTIONS IN RESPECT THEREOF</b></p> <p>6.1. According to the plaintiffs: Neither the first renunciation of benefits nor the second renunciation of benefits was enforceable and of any legal consequence as Nicholas Valasis has prior to the dates of both the first and second renunciation of benefits adiated the benefit bequeathed to him. Accordingly, Nicholas Valasis is an heir in accordance with the provisions of the will of the late Lulu Valasis and the deceased estate must be accordingly administered.</p> <p>6.2. According to the defendants: The first renunciation of benefits was unconditional and the sixth defendant was wrong in not accepting it as such.</p> <p>Estimated duration: 3 – 4 days</p>	
2.	2021/7884	<p><b>MICHAEL O’FLAHERTY VS NATASHA O’FLAHERTY</b></p> <p>Plaintiff: Adv A Saldulker</p> <p>Divorce (contact between parents and minor child)</p> <p>Pre-trial conference: 20 April 2022</p> <p>Estimated duration: 1 day</p>	<p><b>J KHAN AJ</b></p> <p>Secretary: Ms T Ndau</p> <p>E-mail: <a href="mailto:TNdau@judiciary.org.za">TNdau@judiciary.org.za</a></p>

3.	2018/40585	<b>DAWID ADRIAAN VILJOEN AND OTHER VS MINISTER OF POLICE</b> Plaintiff: Adv F Müller Defendant: Adv M Panyane Reckless shooting by police Merits and quantum Estimated duration: 5 days Pre-trial conference: 27 January 2023	<b>MALUNGANA AJ</b> Secretary: Mr L Mabasa E-mail: <a href="mailto:LMabasa@judiciary.org.za">LMabasa@judiciary.org.za</a>
4.	2018/30123	<b>BAIRD CHRISTOPHER DAVID VS BAIRD MEGAN LEA</b> Plaintiff: Ms K Meikle (Attorney) Defendant: Adv C E Thompson Divorce Matter is not ripe for hearing Parties agreed to remove matter from the roll. Parties disagree on issue of costs – plaintiff contend that costs be reserved; defendant contend that plaintiff pay wasted costs occasioned by removal, including costs of first day of trial Estimated duration: 45 minutes	<b>SUTHERLAND DJP</b> Secretary: Ms S Kajee E-mail: <a href="mailto:SKajee@judiciary.org.za">SKajee@judiciary.org.za</a>
5.	2019/12100	<b>GIFT MAPHOSA VS MINISTER OF POLICE AND OTHER</b> Plaintiff: Adv T I Tshifhango Defendant: Mr S Magcakini Merits and quantum Arrest and detention Estimated duration: 2 – 3 days PRACTICE NOTE WAS UPLOADED ON 14 FEBRUARY 2023, A DAY AFTER THE DUE DATE	<b>MATTER STANDS TO BE ALLOCATED. THE ALLOCATION WILL OCCUR AS SOON AS A JUDGE BECOMES AVAILABLE. THE PARTIES WILL BE NOTIFIED PER E-MAIL WHEN THE ALLOCATION OCCURS</b>

6.	2017/18098	<b>ROBERTS PETER WAYNE VS DISCOVERY LIFE LIMITED AND OTHER</b> Plaintiff: Adv J Peter SC Defendant: Adv A Mundell SC Insurance claim – payment of benefits under an insurance policy Whether or not plaintiff became permanently and totally unable to perform as a stock broker, prior to 30 November 2015 Pre-trial conferences: 23 September 2019, 26 May 2020, 06 May 2021, 24 February 2022, 10 February 2023 Estimated duration: 5 days Witnesses from overseas and out of Johannesburg – parties request virtual hearing	<b>WILSON J</b> Secretary: Mr T Chauke E-mail: <a href="mailto:TiChauke1@judiciary.org.za">TiChauke1@judiciary.org.za</a>
7.	2014/39550	<b>MAROPENG JELOUS SERAKWANA VS MINISTER OF POLICE</b> Plaintiff: Adv N Makopo Defendant: S Siyali/N Netshiunda Arrest and detention Merits and quantum Estimated duration: 2 – 3 days	<b>MABUSE J</b> Secretary: Ms V Lee E-mail: <a href="mailto:VCollins@judiciary.org.za">VCollins@judiciary.org.za</a>



8.	2016/29204	<p><b>RENA BUSINESS SOLUTION (PTY) LTD VS MEC FOR FINANCE GAUTENG PROVINCIAL GOVERNMENTS AND MEC FOR HEALTH GAUTENG</b></p> <p>Plaintiff: Adv Y Ndamase  Defendant: Mr M Tsita  Claim for contractual damages arising from a breach of contract by the first defendant.  The plaintiff alleges that it entered into written contract with the first defendant to provide services to wit, inter alia, supply, installation and maintenance of labour saving devices.  The duration of the contract was from December 2011 – November 2014  The plaintiff alleges that it complied with its obligations in terms of the contract and the defendant failed to pay the plaintiff for the services rendered.  As a result of the defendant's breach, the plaintiff incurred damages  Merits and quantum  Estimated duration: 1 – 3 days  Pre-trial conference: 19 May 2022  Minutes registered: 24 May 2022</p>	<p><b>MOORCROFT AJ</b>  Secretary: Ms L Smit  E-mail: <a href="mailto:LSmit@judiciary.org.za">LSmit@judiciary.org.za</a></p>
9.	2020/30286	<p><b>MONAHENG SELLO NELSON VS MINISTER OF POLICE AND OTHERS</b></p> <p>Plaintiff: Adv M D Matsetela and Adv F Mahome  Defendant: Adv F Magano  Arrest, detention, assault  Merits and quantum  Estimated duration: 3 days</p>	<p><b>JORDAAN AJ</b>  Secretary: Mr S Moloi  E-mail: <a href="mailto:SMoloi@judiciary.org.za">SMoloi@judiciary.org.za</a></p>
<b>PART B: ROAD ACCIDENT FUND</b>			
10.	2018/27851	<p><b>MOKOENA MASEOTSANA LUC VS ROAD ACCIDENT FUND</b></p>	<p>A note on the electronic file indicates the trial date as 21 February 2023</p>

<b>MATTERS REMOVED FROM THE ROLL BY NOTICE</b>			
<b>MATTERS NOT ON THE ROLL, COURT FILES ARE NOT WITH ROLL CALLING JUDGE</b> <ol style="list-style-type: none"> <li>1. The civil trial roll is submitted to the Office of the Deputy Judge President by the Registrar approximately 9 court days before the trial date and was correct when it reached the Secretary of the Deputy Judge President.</li> <li>2. The roll received from the registrar's office is then posted on the website of the Johannesburg Society of Advocates, where litigants may inspect the roll.</li> <li>3. The failure of the registrar to include matters on the roll must be taken up with the Registrar. For that purpose, kindly approach the registrar, Ms T. Khumalo (<a href="mailto:TKhumalo@judiciary.org.za">TKhumalo@judiciary.org.za</a> / 010 494 8397) timeously to enquire about the enrolment.</li> <li>4. If the <b>registrar</b> approves the enrolment, the matter may be enrolled and dealt with. If the registrar declines the enrolment, the parties may apply for a new trial date in terms of the existing Practice Directives.</li> <li>5. Last-minute enquiries will not be accommodated.</li> </ol>			