

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG  
MONDAY, 29 MAY JUNE 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 HEARING 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**

- 9A BEFORE THE HONOURABLE JUDGE SENYATSI J
- 9B BEFORE THE HONOURABLE JUDGE KUNY J
- 9C BEFORE THE HONOURABLE JUDGE WILSON J
- 9D BEFORE THE HONOURABLE JUDGE WANLESS AJ
- 6F BEFORE THE HONOURABLE JUDGE PEARSE AJ

**UNOPPOSED MOTION**

- GC BEFORE THE HONOURABLE JUDGE COPPIN J
- GD BEFORE THE HONOURABLE JUDGE ADAMS J
- GE BEFORE THE HONOURABLE JUDGE HARDY AJ

**URGENT APPLICATIONS**

- 9E BEFORE THE HONOURABLE JUDGE WINDELL J
- 9F BEFORE THE HONOURABLE JUDGE HOLLAND-MÜTER J
- BEFORE THE HONOURABLE JUDGE THOMPSON AJ

**SPECIAL MOTION**

- 11F BEFORE THE HONOURABLE JUDGE MIA  
*2020/34372*

## **INCOME TAX COURT**

BEFORE THE HONOURABLE JUDGE WEPENER J

## **FAMILY COURT**

11B BEFORE THE HONOURABLE JUDGE DLAMINI J

11C BEFORE THE HONOURABLE JUDGE FRANCK AJ

11D BEFORE THE HONOURABLE JUDGE MAHOMED AJ

## **SPECIAL INTERLOCUTORY COURT**

Video-link BEFORE THE HONOURABLE JUDGE FRANCIS J

## **SETTLEMENT COURT**

1A BEFORE THE HONOURABLE JUDGE WRIGHT J

## **FULL BENCH APPEALS – CRIMINAL**

4A BEFORE THE HONOURABLE JUDGE MABESELE J  
AND BEFORE THE HONOURABLE JUDGE KUMALO J  
*A31/2022 A119/2022 A51/2021 A137/2022 A140/2022 A48/2022*

## **COMMERCIAL COURT**

11F BEFORE THE HONOURABLE JUDGE MAKUME J  
*2020/28646*

11E BEFORE THE HONOURABLE JUDGE MALINDI J  
*2022/21296*

## **LONG CIVIL TRIAL**

8C BEFORE THE HONOURABLE JUDGE MAHALELO J

8A BEFORE THE HONOURABLE JUDGE MAIER-FRAWLEY J

8E BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J  
*2018/02318*

8D BEFORE THE HONOURABLE JUDGE MOORCROFT AJ  
*2016/42698*

8B BEFORE THE HONOURABLE JUDGE MALUNGANA AJ

## **GENERAL CIVIL TRIALS**

6A BEFORE THE HONOURABLE JUDGE TWALA J

BEFORE THE HONOURABLE JUDGE OPPERMAN J

6C BEFORE THE HONOURABLE JUDGE CARRIM AJ

2E BEFORE THE HONOURABLE JUDGE STRIJDOM AJ

THE CIVIL TRIAL ROLL BEFORE SUTHERLAND ADJP. IN TERMS OF PARAGRAPH 74 OF THE JUDGE PRESIDENT'S DIRECTIVE 02 of 2022 WHICH CAME INTO EFFECT ON 08 JULY 2022 AND WHICH WAS AMENDED ON 02 DECEMBER 2022, THERE SHALL BE NO PHYSICAL TRIAL ROLL. PARTIES MUST COMPLY STRICTLY WITH THE PROVISIONS OF PARAGRAPHS 74 – 88 OF THE ABOVEMENTIONED DIRECTIVE.

**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.*

*DUE DATE TO SUBMIT PRACTICE NOTES:  
MONDAY, 22 MAY 2023*

NUMBER ON ROLL	CASE NO	PARTIES	ALLOCATION/ORDER GRANTED
PART A: GENERAL CIVIL TRIALS			
1	2018/30023	SWANEPOEL CHARMAINE v SWANEPOEL JAN	Matter is removed from the trial roll by notice

2	2019/20323	<p>UNITRADE 1047 CC t/a ISIDINGO SECURITY SERVICES v TRANSNET SOC LTD t/a TRANSNET ENGINEERING</p> <p>Plaintiff: Adv W N Shapiro SC</p> <p>Defendant: Adv M K Mathipa</p> <p>In the main claim, the plaintiff claims money as performance under two security services contracts, one awarded through tender and the other awarded through a Quotation.</p> <p>In the counterclaim, the defendant claims contractual damages for breach of contract and set-off of the plaintiff's claim against payment of damages due to the defendant by the plaintiff.</p> <p>The defendant also claims monies based on unjustified enrichment for monies paid in error to the plaintiff whilst not due.</p> <p>Estimated duration: 2 days</p>	<p><b>MAHALELO J</b></p> <p>Secretary: Mr G Lebelo</p> <p>Email: <a href="mailto:GLEbelo@judiciary.org.za">GLEbelo@judiciary.org.za</a></p>
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3	2019/29564	<p><b>BARNARD IAN KEITH v BARNARD CATHY ANN</b></p> <p>Plaintiff: Unknown Defendant: Adv S P Pincus SC</p> <p>Matrimonial matter</p> <p>Plaintiff directed request to defendant for postponement of matter, which request was refused</p> <p>Pre-trial conference: 30 August 2022</p> <p>Minutes filed: 30 August 2022</p> <p>Estimated duration: 5 days</p> <p>Issue to determine: Whether the agreement of settlement concluded between the parties is to be made an order of court;</p> <p>The issue relating to the accrual claims is to be decided separately, which issue is stayed until the agreement of settlement issue is stayed</p> <p>The parties have agreed that if the defendant succeeds in respect of the agreement of settlement issue, then the defendant will be entitled to be granted a decree of divorce and an order that the agreement of settlement concluded between the parties be made an order of court.</p> <p>In the event of the plaintiff succeeding in regard to the agreement of settlement issue, then the plaintiff will be entitled to be granted a decree of divorce and the trial will then be postponed in order for the accrual issue to be heard and determined;</p> <p>The further issue between the parties is which party should pay the costs of the separated issue</p>	<p><b>TWALA J</b></p> <p>Secretary: Mr L Mabasa</p> <p>Email: <a href="mailto:LMabasa@judiciary.org.za">LMabasa@judiciary.org.za</a></p>
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4	2016/11424	<p>MPHO SEDI v CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY</p> <p>Plaintiff: Adv M Mavunda Defendant: Adv Mosikili Alleged fall in manhole Merits Estimated duration: 1 – 2 days</p>	<p><b>STRIJDOM AJ</b> Secretary: Mr K Ramoroka Email: <a href="mailto:KwRamoroka@judiciary.org.za">KwRamoroka@judiciary.org.za</a></p>
5	2014/41095	<p>NTOMBIZODWA MAPLANKA v CLEAPPER MAPLANKA</p> <p>Plaintiff: Adv W Naude Defendant: Adv L Mhlanga Estimated duration: 1 – 2 days Divorce (division of joint estate; appointment of liquidator and receiver; both parties to be co-holders of parental rights and responsibilities with right to access; payment of maintenance in respect of minor children; payment of arrear Rule 43 maintenance) Pre-trial conference: 12 July 2022; 20 July 2022 Minutes filed: 22 August 2022</p>	<p><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></p>
6	2020/20174	<p>ZANDILE NTOMBIFIKILE MTHABELA v SAMUEL BONGANI MOKOENA</p> <p>Plaintiff: Adv T Carstens Divorce (existence of customary marriage; forfeiture of benefits of marriage in community of property) Estimated duration: 1 day</p>	<p><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></p>

7	2018/37605	<p><b>MICHAEL LAWRENCE STEWART NO v GOVENDER VINOTHAN BALAGOPALAN</b></p> <p>Plaintiff: Adv J H Groenewald  Defendant: Unrepresented (In person)</p> <p>The plaintiffs seek an order for the setting aside and payment of certain dispositions made the defendant by Carmol Distributors (Pty) Ltd (in liquidation) ("Carmol") ("the dispositions") in terms of s 26(1)(a) and (b) of the Insolvency Act 24 of 1936 (the Insolvency Act) as read with s 340(1) of the Companies Act 61 of 1973, read with Item 9 of Schedule 5 of the Companies Act 71 of 2008 (the Companies Act).</p> <p>The first and second defendants admit receipt of the dispositions but deny that the defendants are liable to pay the plaintiffs and that the plaintiffs are able to prove the requirements pleaded by them in order to establish the claims against the defendants in terms of the relevant provisions of the Insolvency Act, as read with the corresponding provisions of the Companies Act.</p> <p>The third defendant admits liability to pay the sum to the plaintiffs.</p> <p>Pre-trial conference: 02 April 2020; 08 December 2021  Minutes filed: 02 April 2020; 18 February 2022  Estimated duration: 3 days</p>	<p><b>MAIER-FRAWLEY J</b></p> <p>Secretary: Ms E Manuel  Email: <a href="mailto:Emanuel@judiciary.org.za">Emanuel@judiciary.org.za</a></p>
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8	2020/41165	<p><b>OLEVANO CESARE v OLEVANO ADELE</b>  Plaintiff: Adv F Bezuidenhout  Divorce (married out of community of property without the accrual; no children born of marriage; spousal maintenance; distribution in terms of s 7(3) of Divorce Act)  Defendant seeks a postponement on basis that the Constitutional Court reserved judgment on the confirmation of the application of s 7(3) to all marriages out of community of property without the accrual – no postponement application has been brought  Defendant filed notice of intention to amend her pleadings – defendant yet to effect the amendment  Separation of issues  Pre-trial conference: 04 April 2022; 23 August 2022  Minutes filed: 20 July 2022; 29 August 2022  Estimated duration: 1 – 2 days</p>	<p><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></p>
9	2021/41859	<p><b>VIP LIQUORS 24/7 CC v CHRONO LINEHAUL (PTY) LTD</b>  Plaintiff: Adv S Freese  Defendant: Adv L Kellerman SC  Plaintiff claims for payment which it alleges are its damages arising out of a breach of contract on the defendant's part to have insured the plaintiff's cargo which was hi-jacked.  The defendant counterclaims for payment which it alleges is owed to it by the plaintiff for services it rendered.  Estimated duration: 3 – 4 days  Pre-trial conference: 03 May 2023  Minutes filed: 11 May 2023</p>	<p><b>CARRIM AJ</b>  Secretary: Ms N Magwalivha  Email: <a href="mailto:NTMagwalivha@judiciary.org.za">NTMagwalivha@judiciary.org.za</a></p>



10	2015/12381	<p><b>ROSY WILLIAMS v MPHO PORTIA MOLOKOME</b></p> <p>Plaintiff: Adv M L Matlala Defendant: Adv W Isaaks Referral to oral evidence Applicant seeks: The late registration of the customary marriage between the applicant and the late Alfred Mohlale (the deceased), be condoned; The second respondent be ordered to register the said customary marriage in the customary register; The customary marriage between the first respondent and the deceased concluded on 24 March 2012 is void ab initio, alternatively the marriage was out of community of property; The third respondent be ordered to withdraw the appointment of the first respondent as the executor of the deceased's estate, alternatively to appoint the applicant as the co-executor; The first respondent be ordered to give off all her activities relating to the administration of the estate of the deceased from date of appointment. Relief sought by applicant: (1) declaration of the applicant as the only surviving spouse/wife of the deceased; (2) The second respondent to allow the late registration of her marriage with the deceased; Relief sought by first respondent: (1) Dismissal of the applicant's application on basis that the applicant failed to make out a case for the existence of a valid customary marriage and as a result the application stands to be dismissed with costs; (2) declaration of the first respondent as the only surviving wife of the deceased; (3) The second respondent to allow the late registration of the first</p>	<p><b>MALUNGANA AJ</b></p> <p>Secretary: Ms K Modise Email: <a href="mailto:KeModise@judiciary.org.za">KeModise@judiciary.org.za</a></p>
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		respondent's marriage with the deceased. Pre-trial conference: 01 March 2023 Estimated duration: 2 – 3 days	
<b>PART B: ROAD ACCIDENT FUND</b>			
<b>MATTERS REMOVED FROM THE ROLL BY NOTICE</b>			
<b>MATTERS NOT ON THE ROLL, COURT FILES ARE NOT WITH ROLL CALLING JUDGE</b>			
1.	The civil trial roll is submitted to the Office of the Deputy Judge President by the Registrar approximately nine (09) court days before the trial date and was correct when it reached the Secretary of the Deputy Judge President.		
2.	The roll received from the registrar's office is then posted on the website of the Johannesburg Society of Advocates approximately five (05) court days before the trial date, where litigants may inspect the roll.		
3.	The failure of the registrar to include matters on the roll must be taken up with the Registrar <u>by no later than five (05) court days before the trial date</u> . 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.		
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.		
5.	Last-minute enquiries will not be accommodated.		