

AS ALLOCATED

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
MONDAY 20th NOVEMBER 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

9C BEFORE THE HONOURABLE JUDGE DE BEER AJ

UNOPPOSED MOTION

GC BEFORE THE HONOURABLE JUDGE WEPENER J

GD BEFORE THE HONOURABLE JUDGE FRANCIS J

GE BEFORE THE HONOURABLE JUDGE VALLY J

URGENT APPLICATIONS

9E BEFORE THE HONOURABLE JUDGE DOSIO J

9F BEFORE THE HONOURABLE JUDGE H A VAN DER MERWE AJ

9D BEFORE THE HONOURABLE JUDGE RAUBENHEIMER AJ

SPECIAL MOTION

11F BEFORE THE HONOURABLE JUDGE MDALANA-MAYISELA J
2023-047253

BEFORE THE HONOURABLE JUDGE J STRIJDOM AJ

9D BEFORE THE HONOURABLE JUDGE MYBURGH AJ

BEFORE THE HONOURABLE JUDGE CAJEE AJ

INCOME TAX COURT

BEFORE THE HONOURABLE JUDGE NOKO J

FAMILY COURT

11B BEFORE THE HONOURABLE JUDGE SIWENDU J

11C BEFORE THE HONOURABLE JUDGE F BEZUIDENHOUT AJ

11D BEFORE THE HONOURABLE JUDGE CHWARO AJ

SPECIAL TRIAL INTERLOCUTORY COURT

GB BEFORE THE HONOURABLE JUDGE FISHER J

RAF DEFAULT JUDGMENT COURT

8C BEFORE THE HONOURABLE JUDGE BUIRSKI AJ

8D BEFORE THE HONOURABLE JUDGE MACHABA AJ

8E BEFORE THE HONOURABLE JUDGE KILLIAN AJ

8F BEFORE THE HONOURABLE JUDGE KONSTANTINIDES AJ

FULL BENCH APPEALS – CRIMINAL

4E BEFORE THE HONOURABLE JUDGE SIDWELL AJ
AND BEFORE THE HONOURABLE JUDGE MATHUNZI AJ
A34/2023 A37/2023 A165/2019

FULL COURT APPEALS – CRIMINAL

4A BEFORE THE HONOURABLE JUDGE MABESELE J
AND BEFORE THE HONOURABLE JUDGE MAKUME J
AND BEFORE THE HONOURABLE JUDGE COERTSE AJ
A112/2022

COMMERCIAL COURT

Offsite facility BEFORE THE HONOURABLE JUDGE MANOIM J
2022/49359

CIVIL TRIALS OF LONG DURATION

8A BEFORE THE HONOURABLE JUDGE MAHOMED AJ

8B BEFORE THE HONOURABLE JUDGE THUPAATLASE AJ

GENERAL CIVIL TRIALS

9A BEFORE THE HONOURABLE JUDGE ADAMS J

6B BEFORE THE HONOURABLE JUDGE R STRYDOM J

9B BEFORE THE HONOURABLE JUDGE SENYATSI J

6C BEFORE THE HONOURABLE JUDGE WILSON J

GA BEFORE THE HONOURABLE JUDGE NKUTHA-NKONTWANA AJ

1A BEFORE THE HONOURABLE JUDGE HARTFORD AJ

Video-link BEFORE THE HONOURABLE JUDGE GUMBI AJ

THE CIVIL TRIAL ROLL BEFORE SUTHERLAND DJP. 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 PARAGRAPH 74 – 88 OF THE ABOVEMENTIONED DIRECTIVE.

**PARTIES SHALL BE NOTIFIED OF ALLOCATIONS
BY EMAIL.**

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

**DUE DATE TO SUBMIT PRACTICE NOTES:
MONDAY, 13 NOVEMBER 2023**

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

1.	2019/30660	<p>SILVERBRIDGE HOLDINGS LIMITED v SOUTHERN AFRICAN QUANTUM & CONSULTANTS AND ACTUARIES (PTY) LTD</p> <p>Plaintiff: Adv D van den Bogert and Adv L Kotze Defendant: Adv M U Coovadia</p> <p>Contractual dispute. Plaintiff claims specific performance from the defendant in the form of outstanding fees due in terms of a contract.</p> <p>The defendant disputes the terms of the agreement, as pleaded by the defendant, pleads a different agreement and contends in respect of that agreement that plaintiff did not comply with its reciprocal obligations and raises the exceptio non adimpleti contractus.</p> <p>The defendant also contends that the proposal relied on by the plaintiff does not make provision for cancellation and is therefore contrary to Constitutionally informed public policy considerations of fairness and justice.</p> <p>Estimated duration: 3 – 5 days Pre-trial conference: 09 September 2020; 24 March 2022; 27 September 2023 Minutes filed: 19 May 2021; 27 May 2022; 02 November 2023</p>	<p>ADAMS J</p> <p>Secretary: Ms G Dlamini Email: GDlamini@judiciary.org.za</p>
2.	2019/26968	<p>DEBBIE GRACE CRAGG v ELEANOR KAREN PATTERTON</p> <p>Plaintiff: Adv W F Wannenburg Defendant: Ms M Vermeulen (Attorney)</p> <p>Civil claim related to the existence of a universal partnership between the parties, the dissolution thereof and the division of the partnership assets should such partnership assets exist.</p> <p>Pre-trial conference: 08 September 2022 Estimated duration: 2 – 3 days</p>	<p>HARTFORD AJ</p> <p>Secretary: Ms L Smit Email: LSmit@judiciary.org.za</p>

3.	2020/13100	<p>LEWIS AUTOMATION LIMITED v AIRSPEC CC Plaintiff: Adv J C Klopper Defendant: Mr A van Eck (Attorney) Payment of two loans made from the plaintiff to the defendant and that the defendant be ordered to furnish sales figures in order to calculate income payable in terms of the agreement Pre-trial conference: 01 July 2021 Matter is settled – parties seek that the settlement agreement be made an order of court</p>	<p>SUTHERLAND DJP Secretary: Ms S Kajee Email: SKajee@judiciary.org.za</p>
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4.	2020/39321	<p>CHANTEL SHARLEEN PILLAY vs SAMANCOR CHROME LTD AND TWO OTHERS</p> <p>Plaintiff: Adv V Maleka SC and Adv A Chowan Defendant: Adv B Roux SC and Adv R Ramatselela</p> <p>Civil trial based on damages claim in terms of the Protected Disclosures Act 26 of 2000 and further claims thereto.</p> <p>Estimated duration: The initial estimated duration of 05 days has been reassessed by the parties and adapted to 14 days (*the parties were directed to remove the matter from the roll; a trial date of 12 August 2024 has been granted to the parties*).</p> <p>Plaintiff made three protected disclosures to her employer, the 1st defendant on:</p> <ul style="list-style-type: none"> - 26 June 2018 (Phabema); - 01 August 2018 (Stock written off); and - 19 September 2018 and 20 September 2018. <p>As a result of her making the protected disclosures, the 1st defendant subjected her to a disciplinary hearing, and she suffered occupational detriment.</p> <p>Subsequently, she was unlawfully dismissed by the 1st defendant.</p> <p>She is claiming damages in five claims.</p> <p>The defendants contend that:</p> <ul style="list-style-type: none"> - The plaintiff should have instituted proceedings in the Labour Court but sought to circumvent it by relying on purported protected disclosures, which from the subject of the two special pleas. - The plaintiff was not subjected to an occupational detriment; - The plaintiff was lawfully dismissed following a disciplinary hearing; 	Matter is removed from the trial roll by notice.
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		<ul style="list-style-type: none">- The plaintiff allegedly made the protected disclosures to circumvent the disciplinary process;- The plaintiff did not make protected disclosures and if the Court finds that she made protected disclosures, then the protected disclosures are not in accordance with the Act.- The plaintiff is not entitled to the relief she seeks <p>Issues for determination:</p> <ul style="list-style-type: none">- Whether the Court has jurisdiction to adjudicate the plaintiff's claim 1 and claim 2 in respect of which the defendants have filed special pleas. The merits of the special pleas are intertwined with the merits in the plaintiff's action and should not be heard separately.- Whether the plaintiff is a whistle-blower defined by the Protected Disclosures Act;- Whether the protected disclosures allegedly made by the plaintiff comply with the Act;- Whether the plaintiff suffered an occupational detriment as defined in the Act;- Whether the defendant unlawfully terminated the plaintiff's employment;- Whether the plaintiff is entitled to the relief sought in claims 3 and 4;- What the plaintiff's quantum will be if successful <p>Pre-trial conference: 22 April 2022; 24 October 2023 Minutes filed: 13 June 2022; 31 October 2023</p>	
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5.	2017/4515	MPIYAKHE RONNIE MASINGA vs CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY Plaintiff: Adv N Ralikhuvane Defendant: Adv M Bester Plaintiff claim damages after he stepped and fell into an open municipal manhole Estimated duration: 1 – 2 days Merits Interpreter to be used Pre-trial conference: 17 February 2023	R STRYDOM J Secretary: Mr T Fakude Email: TFakude@judiciary.org.za
6.	2022/1873	CHANDH VIRAN v BASSON T Plaintiff: Adv S Georgiou Defendant: Adv M L Bronkhorst Dog Attack Merits Pre-trial conference: 28 October 2022; 03 February 2023 Minutes filed: 30 January 2023; 07 February 2023 Estimated duration: 2 days	SENYATSI J Secretary: Ms N Khulu Email: NKhulu@judiciary.org.za
7.	2020/28187	TRAGAR LOGISTICS CC v EBOTSE TRADING 46 CC	No practice note was uploaded to the electronic file – Matter is struck off from the trial roll

8.	2014/02941	<p>LEANNE SUE POWER (NEE TUTT) v RICHARD STEVEN POWER Plaintiff: Adv M Nowitz Defendant: Adv G Olwagen-Meyer Divorce (accrual; primary residence of the minor children; parental responsibilities and rights in respect of the minor children; maintenance contribution; excess medical expenses) Estimated duration: 4 – 5 days Plaintiff's counsel is in the Western Cape – his physical condition precludes him travelling to Johannesburg; Plaintiff is located in KwaZulu-Natal; Defendant is a quadriplegic and wheelchair bound Parties seek virtual hearing</p>	<p>GUMBI AJ Secretary: Ms E Manuel Email: Emanuel@judiciary.org.za</p>
9	2019/25522	<p>MAGDALENA JOHANNA SMITH v DR M MASEKO Plaintiff: Adv D K Nigrini Defendant: Adv L Segeels-Ncube Medical negligence Merits Estimated duration: 3 – 4 days Pre-trial conference: 23 November 2020; 23 March 2022; 17 October 2023</p>	<p>THUPAATLASE AJ Secretary: Mr M Magadla Email: MMagadla@judiciary.org.za</p>
9A	2016/20160	<p>DINES CHANDRA MANILAL GIHWALA v LANCELOT LENONO MANALA Plaintiff: Adv G Quixley Defendant: Mr A Christophorou (Attorney) The plaintiffs advance monetary claims for payment arising from contested litigation in relation to the affairs of Seena Marena Investments (Pty) Ltd (SMI). The plaintiffs have advanced nine distinct claims, each relating to different aspect of the aforesaid litigation. Estimated duration: 3 – 4 days</p>	<p>WILSON J Secretary: Mr T Chauke Email: TiChauke1@judiciary.org.za</p>
PART B: ROAD ACCIDENT FUND			

10.	2020/463 or 2018/46311	KADEZE EVANS v ROAD ACCIDENT FUND Plaintiff: Adv A Sewpersath Defendant: Ms N D Ajodha Merits and quantum (loss of earnings; earning capacity) Pre-trial conference: 12 September 2022 Minutes registered: 13 September 2022 Estimated duration: 2 – 3 days Matter is settled	SENYATSI J Secretary: Ms N Khulu Email: NKhulu@judiciary.org.za
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MATTERS THAT STOOD DOWN FROM PREVIOUS WEEK

T15.	2018/27853	MTSHALI THOLAKELE GRANNY OBO MINOR VS ROAD ACCIDENT FUND Plaintiff: Adv R Manzini Defendant: Mr E M Mndlovu Quantum (general damages; past and future loss of earnings; contingencies) Estimated duration: 2 – 3 days	NKUTHA-NKONTWANA AJ Secretary: Ms K Mofikwe Email: KMofikwe@judiciary.org.za
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MATTERS REMOVED FROM THE ROLL BY NOTICE

**MATTERS NOT ON THE ROLL, COURT FILES ARE NOT WITH ROLL
CALLING JUDGE**

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 by no later than five (05) court days before the trial date. For that purpose, kindly approach the registrar, **Ms N Mvumbi** (NMvumbi@judiciary.org.za / 010 494 8399) (Ms T Khumalo is on maternity leave and will only return in 2024) timeously to enquire about the enrolment.
4. If the **registrar** 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.

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