

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
TUESDAY 19TH NOVEMBER 2024**

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 MABESELE J

9D BEFORE THE HONOURABLE JUDGE WRIGHT J

Video-link BEFORE THE HONOURABLE JUDGE NOKO J

6B BEFORE THE HONOURABLE JUDGE D. SMIT AJ

9F BEFORE THE HONOURABLE JUDGE PUTTER AJ

8F BEFORE THE HONOURABLE JUDGE Q LEECH AJ

UNOPPOSED MOTION

GC BEFORE THE HONOURABLE JUDGE WEPENER J

GD BEFORE THE HONOURABLE JUDGE DIPPENAAR J

GE BEFORE THE HONOURABLE JUDGE MANOIM J

URGENT APPLICATIONS

9A BEFORE THE HONOURABLE JUDGE FISHER J

9B BEFORE THE HONOURABLE JUDGE DLAMINI J

SPECIAL MOTION

Video-link BEFORE THE HONOURABLE JUDGE VAN OOSTEN J
2024-028644

11A BEFORE THE HONOURABLE JUDGE WINDELL J
2018/45883 2019/40463 2020/16341

INCOME TAX COURT

BEFORE THE HONOURABLE JUDGE COLLIS J
(IT46434)

FAMILY COURT

11B BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J

11C BEFORE THE HONOURABLE JUDGE A FRIEDMAN AJ

SPECIAL INTERLOCUTORY COURT

GB BEFORE THE HONOURABLE JUDGE WILSON J

RAF DEFAULT JUDGMENT COURT

8A BEFORE THE HONOURABLE JUDGE WEIDEMAN AJ

CIVIL APPEALS

Video-link BEFORE THE HONOURABLE JUDGE SIWENDU J
AND BEFORE THE HONOURABLE JUDGE LIEBENBERG AJ
A2024-066487 A2024-063073

COMMERCIAL COURT

Video-link BEFORE THE HONOURABLE JUDGE SENYATSI J

CIVIL TRIALS OF LONG DURATION

1A BEFORE THE HONOURABLE JUDGE ALLEN AJ
2020/14101; 2020/14170

GA BEFORE THE HONOURABLE JUDGE S KRUGER AJ
2021/47220

PART-HEARD CIVIL TRIAL

8D BEFORE THE HONOURABLE JUDGE S VAN NIEUWENHUIZEN AJ
2021/55793 COLIN ROY BYRNE VS PRESLEY'S NIGHTCLUB AND RESTAURANT

GENERAL CIVIL TRIALS

8B BEFORE THE HONOURABLE JUDGE VALLY J

8C BEFORE THE HONOURABLE JUDGE OPPERMAN J

8E BEFORE THE HONOURABLE JUDGE NTANGA AJ

6A BEFORE THE HONOURABLE JUDGE NGENO AJ

Video-link BEFORE THE HONOURABLE JUDGE BALOYI-MERE AJ

6C BEFORE THE HONOURABLE JUDGE J. M MALEMA AJ

11D BEFORE THE HONOURABLE JUDGE THACKWELL AJ

11E BEFORE THE HONOURABLE JUDGE WARREN AJ

THE CIVIL TRIAL ROLL BEFORE SUTHERLAND DJP.

THERE SHALL BE NO PHYSICAL TRIAL ROLL CALL.

**PARTIES MUST COMPLY STRICTLY WITH THE PROVISIONS OF PARAGRAPH
19 OF THE ABOVEMENTIONED DIRECTIVE.**

Regarding Practice Notes:

- 1. What is envisaged is a practice note filed **shortly before the trial** after a last check on whether a trial is necessary at all, and if so, how expeditiously can it be conducted. Axiomatically this assessment can only be made shortly before trial.*
- 2. In several instances, a practice note is filed months before the trial date. This is of **no value** in declaring the status quo on the eve of trial. When matters are struck off because no recent practice note was filed, parties are understandably disappointed. The **recent** practice note is critical to the optimal utilisation of court time, and it must therefore be so that it must indeed be recent.*

3. *Litigants' attention is drawn to paragraphs 19.3, 19.4 and 19.5 of Practice Directive 01 of 2024 which came into effect from 26 February 2024 and which were amended on 12 June 2024. The practice note, prepared in accordance with the practice note templates annexed to the Directive must be uploaded not earlier than **7 court** days and not later than **5 court** days before the hearing set-down. If no practice note is timeously uploaded (or uploaded after the cut-off date), the matter shall automatically be removed from the roll, and the date forfeited. If the practice note is non-compliant with the practice manual or Practice Directive 01 of 2024, the matter shall be automatically removed and similarly the date forfeited. The provision shall be strictly applied.*

4. *LAST DATE TO SUBMIT PRACTICE NOTES: **TUESDAY, 12 NOVEMBER 2024***

**JUDGES, ACTING JUDGES AND LITIGANTS
ARE REMINDED OF CHAPTER 6.9 OF THE
PRACTICE MANUAL DATED OCTOBER 2018**

WHICH DEALS WITH THE PROCEDURE TO ENROLL PART-HEARD CIVIL TRIALS

NOTE ON CIVIL TRIALS WHERE ON THE DAY IT IS CALLED THE PARTIES ANNOUNCE A DESIRE TO SETTLE

1. Judges and Acting Judges serving in the civil trial court must be circumspect when confronted by parties who seek a stand-down to settle.
2. Valuable judicial time is squandered whilst waiting on an agreement to be produced, if at all.
3. The standard procedure is that if a trial is not ready to run at 10h00 on the set down date it should be removed with no costs order. The judge is then available to take the next case.
4. In a case where the parties do settle in that week, an agreement can be brought to the judge who was presiding for it to be made an order. If settled later, the opportunity to re-enrol it on the settlement roll on one weeks' notice remains available
5. The cases awaiting a judge's attention must not be left to linger and risk being crowded out.

The abuse by parties is particularly prevalent in RAF cases.

| NUMBER ON ROLL | CASE NO | PARTIES | DATE TRIAL DATE APPLIED FOR | DATE TRIAL DATE GRANTED | ALLOCATION/ORDER GRANTED |
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| PART A: GENERAL CIVIL TRIALS | | | | | |
| 1. | 2018/18191 | RICHARD MAPODISA MAROGA VS MINISTER OF POLICE AND OTHER | 30/08/2023 | 05/10/2023 | No practice note (as set out in paragraphs 19.3, 19.4 and 19.5 of the Judge President's Practice Directive 01 of 2024 as amended on 12 June 2024) was uploaded to the electronic file – Matter is struck off from the trial roll. |
| 2. | 2022/6017 | THEMBANI NCUBE VS NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS Plaintiff: Adv A Ramuhala Defendant: Adv L Kalashe Malicious prosecution Estimated duration: 4 – 5 days Pre-trial conference: 21 November 2022; 08 June 2023; 08 November 2024 Merits and quantum | 19/07/2023 | 22/10/2024 | WARREN AJ Secretary: Mr G Lebelo Email: GLEbelo@judiciary.org.za |

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| 3. | 2014/6246 | MOFOKENG LEENYA PAULUS VS MINISTER OF POLICE Plaintiff: Adv K Reddy Defendant: Adv H M Mbatha Arrest, detention Pre-trial conference: 25 October 2024 Estimated duration: 2 – 3 days | 24/03/2023 | 13/06/2023 | BALOYI-MERE AJ Secretary: Ms F Leremi Email: FLeremi@judiciary.org.za |
| 4. | 2021/47309 | MPILO PATRICK XULU VS MINISTER OF POLICE Plaintiff: Mr J Keyser Defendant: Mr B du Preez Arrest, detention Merits and quantum Pre-trial conference: 22 February 2023 Minutes filed: 22 February 2023 Estimated duration: 2 – 3 days Interpreter to be used | 16/03/2023 | 22/03/2023 | THACKWELL AJ Secretary: Ms L Marota Email: LMarota@judiciary.org.za |

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| 5. | 2021/44821 | <p>MANGENA AZON MKHONZA VS MINISTER OF POLICE AND OTHER</p> <p>Plaintiff: Adv B B Ntsimane Defendant: Mr C Setlhatlole Arrest, detention Estimated duration: 3 – 4 days</p> | 18/04/2023 | 19/05/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 6. | 2018/31348 | <p>THABO GOMOTSEGANG MODISE VS MINISTER OF POLICE AND OTHER</p> <p>Plaintiff: Mr L Naidoo Defendant: Adv Botomane Arrest, detention Merits and quantum Pre-trial conference: 30 June 2023 Minutes filed: 10 July 2023 Estimated duration: 2 – 3 days Interpreter to be used</p> | 10/07/2023 | 18/08/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
| 7. | 2014/33135 | <p>HAVENGA THEO VS MINISTER OF POLICE</p> | 17/02/2022 | 04/08/2023 | <p>No practice note (as set out in paragraphs 19.3, 19.4 and 19.5 of the Judge President's Practice Directive 01 of 2024 as amended on 12 June 2024) was uploaded to the electronic file – Matter is struck off from the trial roll.</p> |
| PART B: ROAD ACCIDENT FUND | | | | | |
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| 8. | 2016/30444 | <p>KGATLA SIMANGELE VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Mr T Mongoni Defendant: Ms S Ameersingh Quantum (general damages; future medical expenses; loss of earnings) Pre-trial conference: 30 March 2023 Minutes filed: 13 April 2023 Estimated duration: 2 – 3 days Interpreter to be used</p> | | | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 9. | 2018/29058 | <p>MBUTINI NOMFUNKEKO OBO MBUTINU BUHLE VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Adv M Kutama Defendant: Ms P Nziyanziya Merits and quantum Pre-trial conference: 09 February 2023 Minutes filed: 01 March 2023 Estimated duration: 30 minutes</p> | 01/03/2023 | 06/03/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 10. | 2015/22976 | <p>VAN RYNEVELD PAUL M N.O M G MOTLHALE VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Adv H Groenewald Defendant: Ms N Mhlongo Merits and quantum Pre-trial conference: 06 November 2024 Estimated duration: 2 – 3 hours (if argued); 2 – 3 days (if evidence led) Interpreter to be used</p> | 23/02/2023 | 08/03/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 11. | 2018/40721 | MHLANGA JOHNSON VS ROAD ACCIDENT FUND Plaintiff: Adv N Makhani Defendant: Ms J Mhlanga Pre-trial conference: 23 February 2023 Minutes filed: 07 March 2023 Estimated duration: 90 minutes Interpreter to be used Quantum (general damages; loss of earnings) | 13/03/2023 | 17/03/2023 | 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. <u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY |
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| 12. | 2022/22885 | <p>MOHALALEWA AMOGELANG VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Ms L Whittle Defendant: Ms Y Ramjee Merits and quantum (future medical expenses; general damages; past loss of earnings; future loss of earnings; earning capacity) Pre-trial conference: 06 December 2022 Minutes filed: 16 February 2023 Estimated duration: 1 – 2 days</p> | 16/02/2023 | 17/03/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 13. | 2022/3065 | RANI BONGANI VS ROAD ACCIDENT FUND Plaintiff: Ms L Whittle Defendant: Mr T Ngomana Merits and quantum (future medical expenses; past and future loss of earnings; earning capacity) Pre-trial conference: 07 November 2022 Minutes filed: 15 November 2022 Estimated duration: 1 – 2 days | 15/02/2023 | 17/03/2023 | 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. <u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY |
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| 14. | 2021/5842 | <p>SIBANDA BLESSING VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Adv A E Smit Defendant: Ms B M More Quantum (past and future loss of earnings) Pre-trial conference: 14 October 2022 Minutes filed: 14 October 2022 Estimated duration: 2 – 3 days (if evidence led); 1 day (if argued) Interpreter to be used</p> | 03/03/2023 | 13/03/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 15. | 2022/22071 | <p>MOKUMO MATOME MOSES VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Adv S Tshungu Defendant: Ms N Moyo Merits and quantum (loss of earnings) Pre-trial conference: 13 February 2023 Estimated duration: 1 – 2 days</p> | 16/02/2023 | 14/03/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 16. | 2021/47995 | <p>MFINGWANA BABSY CECIL VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Adv R Saint Defendant: Ms B M More Pre-trial conference: 24 February 2023 Estimated duration: 1 day (if argued); 1 – 2 days (if evidence led) Merits and quantum (past and future medical expenses; past and future loss of earnings; earning capacity; general damages)</p> | 28/02/2023 | 08/03/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
| 17. | 2019/20648 | MAMATITA NTSOAKELE VS PRASA | 02/03/2023 | 13/03/2023 | Matter is removed from the trial roll by notice |
| 18. | 2014/25807 | CHOANE TEBOGO JOY VS ROAD ACCIDENT FUND | 23/07/2023 | 01/12/2023 | Matter is removed from the trial roll. The matter was enrolled on the RAF Default Judgment Court roll of 22 October 2024 where judgment was delivered |

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| 19. | 2020/14982 | <p>SIBANDA LUCKY SIKHUMBUZO VS ROAD ACCIDENT FUND</p> <p>Plaintiff: Adv N Adam Defendant: Mr T Ngomana Merits and quantum (past medical expenses; future medical expenses; loss of earning capacity; general damages) Pre-trial conference: 15 October 2024 Minutes filed: 23 October 2024 Estimated duration: 1 – 2 days</p> | 27/02/2023 | 13/03/2023 | <p>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.</p> <p><u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY</p> |
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| 20. | 2023-004239 | LUBABALO MAYAPHI VS ROAD ACCIDENT FUND Plaintiff: Adv M Lufele Defendant: Ms P Nziyanziya Estimated duration: 1 – 2 days Quantum (past and future loss of earnings) Pre-trial conference: 05 December 2023 | 23/07/2023 | 06/12/2023 | 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. <u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY |
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| 21. | 2022/8371 | THATO DENIS MOABI VS ROAD ACCIDENT FUND Plaintiff: Adv Ramawela Defendant: Mr E M Mdlovu Quantum (loss of earnings) Pre-trial conference: 24 January 2023 Minutes filed: 24 January 2023 Estimated duration: 1 – 2 days Interpreter to be used | 24/01/2023 | 13/03/2023 | 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. <u>MATTERS CROWDED OUT:</u> IF ANY MATTER RIPE FOR TRIAL CANNOT BE ALLOCATED TO A JUDGE, THE MATTER SHALL STAND OVER UNTIL THE NEXT COURT DAY |
| MATTERS STANDING DOWN FROM PREVIOUS WEEK | | | | | |
| W5. | 2020/26025 | TLAPU STOFFEL VS ROAD ACCIDENT FUND Plaintiff: Adv Z Khan Defendant: Ms B M More Quantum (future medical expenses; past and future loss of earnings; general damages) Pre-trial conference: 06 April 2023 Estimated duration: 1 – 2 days Interpreter to be used | 27/04/2023 | 26/05/2023 | NTANGA AJ Secretary: Mr R Munonela Email: RMunonela@judiciary.org.za |
| MATTERS REMOVED FROM THE ROLL BY NOTICE | | | | | |

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| MATTERS NOT ON THE ROLL, COURT FILES ARE NOT WITH ROLL CALLING JUDGE | | | | | |
| <p>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.</p> <p>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.</p> <p>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 N Mvumbi (NMvumbi@judiciary.org.za / 010 494 8399) timeously to enquire about the enrolment.</p> <p>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.</p> <p>5. Last-minute enquiries will not be accommodated.</p> | | | | | |
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