



HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

TRIAL DEFAULT JUDGMENT COURT

3 – 7 MARCH 2025 (WEEK 7)

BEFORE: Moultrie AJ
CLERK: Peter Dithipe (email: PDithipe@judiciary.org.za)
CHAMBER: 6.8

1. The matters enrolled on the trial default judgment roll for hearing before Moultrie AJ during the week commencing on 3 March 2025 will be called in open court from 10h00. The court number will be identified in the daily roll for the relevant dates.
2. Matters will be called on the day of enrolment. Matters to be removed and settled may be called first, whereafter matters will be heard in the order that they appear on the roll. Save in the event of “crowding out”, no matter will be allowed to stand down until later in the week. If counsel is not present and has not been excused when the matter is called, the matter will be moved to the end of the roll and called again. If counsel is not present when the matter is called for a second time, the matter will be removed from the roll.
3. Draft orders in both .pdf and Word format specifying the precise relief that will be sought in view of the evidence to be adduced must be uploaded timeously and must also be available in hardcopy at the hearing. All draft orders should specify:
 - 3.1 the date of the hearing, number on the roll and the presiding judge’s name (i.e. Moultrie AJ) in the heading; and

- 3.2 the name of the practitioner moving the application and the name, phone number and email address of the instructing attorney at the foot of the document.
4. The provisions of Consolidated Practice Directive 1 of 2024, as amended on 12 June 2024 (“**the CPD**”) will be strictly applied, particularly paragraph 22.1 thereof, read with paragraphs 19.5, 19.8, 22.1, Annexure 5.2 and paragraph 27.12.2 (if applicable).
5. Save in the event that such information is already contained in the practice note referred to in paragraph 6 of the compliance statement (Annexure 5.2 to the CPD) or in another document already uploaded to Caselines, the representative moving the default judgment application shall upload a written “note for argument” or “heads of argument” containing the following information prior to 16h00 on the court day before the hearing:
- 5.1 The location in the Caselines file of the notice of motion and affidavit referred to in paragraph 5 of Annexure 5.2 to the CPD, together with proof that it and the notice of set down have been served on the RAF.
- 5.2 A succinct description of the factual and expert evidence intended to be adduced:
- 5.2.1 orally, and the location in the CaseLines file of any documents that will be referred to by each such witness; and
- 5.2.2 in affidavit form, and the location in the CaseLines file of each such affidavit.
- 5.3 A summary of the argument to be made in view of such evidence in support of the defendant’s liability and as to the computation of the *quantum* of damages sought in the draft order, with specific reference to each head of damage, including *inter alia*:
- 5.3.1 liability of the defendant with reference to the specific provisions of the Road Accident Fund Act, 56 of 1996 as may be applicable, in particular

in relation to general damages and the serious injury assessment report contemplated in s 17(1);

5.3.2 where general damages are claimed, a list of the authorities relied upon, including a brief description of injuries, *quantum* awarded and the value of such awards in current monetary terms;

5.3.3 where damages for loss of income and/or income earning capacity are claimed, a summary of the submissions to be made in relation to both (i) the pre- and post-accident scenarios; and (ii) the pre- and post-accident contingencies deductions; and

5.3.4 where damages for past medical, hospital and/or related costs are claimed, a summary of the submissions to be made as to the reasonableness and veracity of such costs, as well as confirmation of as to whether any interim payments have been made and if so, the details thereof.

5.4 Where the award claimed is to be protected by way of a trust, the location in the Caselines file of the trust deed and the trustee's consent.

6. Where evidence is to be adduced on affidavit, the representative seeking to do so must be in a position to hand it up and to satisfy the court that it has been duly commissioned.

7. Representatives are requested to bear in mind that:

7.1 an expert report that is not confirmed on oath by such expert is not admissible;

7.2 expert reports (even when confirmed on oath) do not constitute proof of factual material on which they are based if not directly observed by the expert in question;

7.3 depending on the circumstances, it may thus be necessary to adduce the oral or affidavit evidence of the plaintiff or injured person or other relevant factual witnesses to prove such factual material; and

- 7.4 depending on the circumstances, it may be acceptable for such witness(es) to state that they have read one or more specifically identified expert reports and that they confirm that all (or some specific portion) of the factual contents thereof are true insofar as it relates to that Plaintiff.
8. In the event of any removals or settlements, representatives are to immediately place a note on Caselines and notify the Judge's clerk by e-mail in order to avoid the unnecessary reading of matters.
9. Should a matter become settled, the court will consider making the settlement an order of court (but is not bound to do so) if the following documents have been uploaded to CaseLines in advance of the hearing date:
- 9.1 the documents referred to in paragraph 20.3.2 of the CPD and in paragraph 5 of Annexure 5.3 thereto (Note: (i) the draft order should reflect and expressly refer to the fact that the matter has been settled; (ii) no order will be made if it is not demonstrated that the defendant has consented to a draft order in the precise terms presented to the court; and (iii) inclusion of items such as particular costs, e.g., experts' fees, etc., in a draft order to give effect to a settlement where there is no written agreement between the parties in respect thereof is inappropriate); and
- 9.2 if applicable, affidavits of attorney and plaintiff in compliance with section 4 of the Contingency Fees Act, 66 of 1997: the attention of practitioners is drawn to the requirements referred to and summarised in paragraphs 16 to 20 of [Mbethe v Road Accident Fund \[2023\] ZAMPMBHC 5](#), and the cases referred to therein. Paragraph 6 (above) will be applied.
10. Parties and representatives are required to view, and comply with, any directives contained in "Widely Shared Notes" that may be uploaded to CaseLines by the court.