

As allocated

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
MONDAY 24 FEBRUARY 2025**

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 SWANEPOEL J

Video-link BEFORE THE HONOURABLE JUDGE VAN ASWEGEN AJ

9F BEFORE THE HONOURABLE JUDGE P J DU PLESSIS AJ

8F BEFORE THE HONOURABLE JUDGE LEVITT AJ

8E BEFORE THE HONOURABLE JUDGE LIVESAGE AJ

8D BEFORE THE HONOURABLE JUDGE L DUPLESSIS AJ

UNOPPOSED MOTION

GC BEFORE THE HONOURABLE JUDGE MABESELE J

GD BEFORE THE HONOURABLE JUDGE WRIGHT J

GE BEFORE THE HONOURABLE JUDGE NHARMURAVATE AJ

SPECIAL MOTION

11A BEFORE THE HONOURABLE JUDGE FISHER J
2024-130293

URGENT APPLICATIONS

9A BEFORE THE HONOURABLE JUDGE WILSON J

9B BEFORE THE HONOURABLE JUDGE MAHOMED J

INCOME TAX COURT

BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J
(2024/10) (IT46497) (IT77006) (IT46485)

FAMILY COURT

11B BEFORE THE HONOURABLE JUDGE E DU PLESSIS J

11C BEFORE THE HONOURABLE JUDGE H PRETORIUS AJ

SPECIAL INTERLOCUTORY COURT

GB BEFORE THE HONOURABLE JUDGE MANOIM J

RAF DEFAULT JUDGMENT COURT

8A BEFORE THE HONOURABLE JUDGE WEIDEMAN AJ

8B BEFORE THE HONOURABLE JUDGE VAN DE VENTER AJ

CRIMINAL APPEALS

6F BEFORE THE HONOURABLE JUDGE ISMAIL J
AND BEFORE THE HONOURABLE JUDGE MKHABELA J
A115/2023 A109/2024 AD1674/2019

FULL COURT APPEALS: CRIMINAL

4E BEFORE THE HONOURABLE JUDGE STRYDOM J
AND BEFORE THE HONOURABLE JUDGE MIA J
AND BEFORE THE HONOURABLE JUDGE MAKAMU J
A113/2024

CIVIL TRIALS OF LONG DURATION

Video-link BEFORE THE HONOURABLE JUDGE SENYATSI J
2015/19708

GA BEFORE THE HONOURABLE JUDGE NTLAMA-MAKHANYA AJ
2021/18281

1A BEFORE THE HONOURABLE JUDGE MANAMELA AJ

GENERAL CIVIL TRIALS

11D BEFORE THE HONOURABLE JUDGE DIPPENAAR J

6C BEFORE THE HONOURABLE JUDGE DLAMINI J

8C BEFORE THE HONOURABLE JUDGE WANLESS J

11E BEFORE THE HONOURABLE JUDGE MNYATHELI AJ

6B BEFORE THE HONOURABLE JUDGE MINNAAR AJ

6A BEFORE THE HONOURABLE JUDGE MATSEMELA 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 REVISED CONSOLIDATED PRACTICE DIRECTIVE 01 OF 2024 (With effect from 26 February 2024 and amended on 12 June 2024)

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: MONDAY, 17 FEBRUARY 2025

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.
6. 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
PART A: GENERAL CIVIL TRIALS					
1.	2021/25890	RFC DEVELOPMENT (PTY) LTD VS MONARCA HOLDINGS AND TWO OTHERS	16/08/2023	13/10/2023	Matter is removed from the trial roll by notice

2.	2021/28702	<p>BALME VAN WYK & TUGMAN (PTY) LTD VS GGM PROPERTIES (PTY) LTD</p> <p>Plaintiff: Adv W M Sithole</p> <p>Breach of contract – plaintiff seeks enforcement of the contract</p> <p>Defendant and plaintiff concluded an agreement in terms of which the plaintiff would render property services to the defendant on a contingency fee basis.</p> <p>The plaintiff's fees for services rendered shall only be payable once the municipal credits recovered by the defendant, as a result of the services rendered by the plaintiff, reflect in the defendant's account.</p> <p>The credits secured and recovered would be equally split between the plaintiff and defendant</p> <p>Pre-trial conference: 25 May 2023</p> <p>Pre-trial minutes filed: 25 July 2023</p> <p>Estimated duration: 1 – 2 days</p>	27/07/2023	24/10/2023	<p>MATSEMELA AJ</p> <p>Secretary: Ms M Malatji</p> <p>Email: MMalatji@judiciary.org.za</p>
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3.	2019/17283	<p>D C L VS THE INSTITUTE OF BROTHERS AND 16 OTHERS</p> <p>Plaintiff: Adv D Block Defendant: Adv J P V McNally SC This is an action in which the plaintiff seeks to claim damages against the first to third defendants arising out of alleged sexual abuse he suffered as a school child during the latter part of 1973 Special Plea of prescription Other issues are separated Pre-trial conference: 04 December 2024 Minutes filed: 09 January 2025 Estimated duration: 2 – 3 days</p>	01/08/2023	11/10/2023	<p>DIPPENAAR J Secretary: Ms J Blake Email: JBlake@judiciary.org.za</p> <p>Matter is removed from the trial roll by notice as it became settled</p>
4.	2021/4402	<p>KINTETSU WORLD EXPRESS SOUTH AFRICA (PTY) LTD VS ODYSSEY STEEL (PTY) LTD</p>	24/08/2023	11/10/2023	<p>Matter is removed from the trial roll as it became settled</p>
5.	2022/20856	<p>MASILO PHILLIP MASIPA VS THE BRIDGE SHOPPING CENTRE</p>	31/08/2023	24/10/2023	<p>Matter is removed from the trial roll by notice as it became settled</p>

6.	2022-050631 Court Online	<p>SKS BUSINESS SOLUTIONS CC VS STEELCORE STRUCTURAL ENGINEERING (PTY) LTD</p> <p>Plaintiff: Adv G J A Cross Defendant: Adv V Qithi</p> <p>Plaintiff claims payment of damages from the defendant in respect of alleged breaches by the defendant of a construction subcontract concluded between the parties during August 2020 (the subcontract) for the fabrication, supply, installation and erection of steel works by the defendant at Madala Hostel</p> <p>Defendant indicated it wish to postpone the trial</p> <p>Defendant indicated it wish to amend its plea to include a counterclaim</p> <p>The postponement is opposed</p> <p>Pre-trial conference: 14 August 2023; 07 February 2025</p> <p>Minutes filed: 25 August 2023; 13 February 2025</p> <p>Estimated duration: 5 days</p>	22/09/2023	11/10/2023	<p>DLAMINI J</p> <p>Secretary: Mr K Matha</p> <p>Email: KMatha@judiciary.org.za</p>
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7	2021/17889	<p>ANDZINIMIKULA TRADING (PTY) LTD VS TCI-TISO (PTY) LTD TRADE CAPITAL INVESTMENT</p> <p>Plaintiff: Adv R du Plessis SC Defendant: Adv N Nako</p> <p>The matter entails the interpretation of an agreement that was entered into between the parties and in terms of which the defendant transferred from plaintiff's bank account certain amounts including the amount claimed to the defendant unlawfully. The plaintiff contends that such amount is due and owing to the plaintiff in terms of the agreement between the parties, and the plaintiff is entitled to payment of such amount by defendant</p> <p>Pre-trial conference: 20 July 2023 Estimated duration: argument on the papers</p>	19/10/2023	07/11/2023	<p>DIPPENAAR J</p> <p>Secretary: Ms J Blake</p> <p>Email: JBlake@judiciary.org.za</p>
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8.	2023-021838 Court online	<p>MREMBLE SOLUTIONS(PTY) LTD VS COUNTRY WIDE TRUCK SALES</p> <p>Plaintiff: Mr C van der Merwe Defendant: Adv H West Estimated duration: 2 days The cause of action is one of specific performance, alternatively rei vindicatio. The subject of the dispute is a 2007 Nissan Tipper Bin truck The plaintiff purchased the truck from the defendant and the plaintiff acquired ownership of the truck on 31 October 2019. The plaintiff paid the purchase price to Standard Bank through the Bankserve channels which amount was credited to the defendant by their banker. The defendant was at all material times represented by a certain Mr Jonker The defendant on 28 October 2019 confirmed payment of the purchase price and on 31 October 2019 confirmed its terms and conditions The plaintiff acquired possession of the truck on 31 October 2019 and thereafter the defendant acquired possession of the truck on 08 November 2019 The defendant claims an entitlement to retain the truck and claim storage</p>	07/08/2023	07/11/2023	The action is withdrawn by notice as it became settled between the parties
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		<p>cost based on an alleged express, alternative tacit, further alternative implied term of an oral agreement between the parties</p> <p>The plaintiff denies that such agreement was entered into and denies liability for any storage costs. The plaintiff returned the truck to the defendant on complaint that it is defective and not suited for its purpose. The plaintiff avers that it was agreed that the truck may be returned and that plaintiff may choose another truck.</p> <p>The defendant avers that they repaired the truck and was not willing to swap or refund;</p> <p>The plaintiff then complained at MOISA who agreed with the plaintiff whether the NCC made an application to the Consumer Tribunal, but the Tribunal ruled that the defendant did not have to replace the truck.</p> <p>The defendant then sought return of possession of the truck, but the defendant refuses and the dispute now lies whether the plaintiff is liable for storage costs and whether the defendant may retain possession.</p>			
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9.	2019/40993	<p>CATHECT ENGINEERING (PTY) LTD VS AVERDA SOUTH AFRICA(PTY) LTD</p> <p>Plaintiff: Adv C Boden Defendant: Adv I L Posthumus</p> <p>Plaintiff claims from the defendant certain charges pursuant to an alleged oral agreement. In addition, the plaintiff held a lien over the property of the defendant and claims for expenses thereof.</p> <p>Special plea of prescription</p> <p>Pre-trial conference: 23 March 2021; 22 March 2023</p> <p>Minutes filed: 30 March 2021; 28 March 2023</p> <p>Estimated duration: 1 – 2 days</p>	03/04/2023	11/10/2023	<p>WANLESS J</p> <p>Secretary: Mr T Manganyi</p> <p>Email: TManganyi@judiciary.org.za</p>
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10.	2012/37135	<p>DURRANVALE TRADE AND INVESTEMENT (PTY) LTD VS THE ESTATE AGENCY AFFAIRS BOARD</p> <p>Plaintiff: Adv T Ossin Defendant: Adv M P van der Merwe SC and Adv P P Ferreira Damages claim Separation of issues Pre-trial conference: 11 March 2016; 04 October 2018; 14 August 2020; 20 April 2022; 15 September 2022; 08 August 2023; 14 August 2020; 20 February 2024 Minutes filed: 26 August 2016; 01 November 2018; 03 September 2020; 22 April 2022; 04 October 2022; 07 September 2023; 03 September 2020; 06 November 2024 Estimated duration: 5 days</p>	12/10/2023	11/04/2024	<p>MINNAAR AJ</p> <p>Secretary: Ms T Ndau Email: TNdau@judiciary.org.za</p>
11.	2020/1843	<p>FRANK HENRY BOWDEN WINDER VS JUJSKEI PARK SHOPPING CENTRE</p>	12/10/2023	24/01/2024	Matter is removed from the trial roll by notice as it became settled
PART B: ROAD ACCIDENT FUND					

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 <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.				
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.				