



REPUBLIC OF SOUTH AFRICA

HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
PRETORIA

Secretary to Judge DS Fourie
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NOTICE REGARDING IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVES FOR THE UNOPPOSED MOTION COURT BEFORE JUDGE DS FOURIE ON 23 NOVEMBER 2021

1. The application will be adjudicated “on paper only” (i.e. without an oral hearing) **unless there is a written request for an oral hearing which must then be clearly set out in the Practice Note referred to herein below.** In such a case, the oral submissions must be briefly summarised in the Practice Note to enable the Court to prepare properly. Proceedings will then be conducted on MS Teams on a time to be notified.
2. A **complete Practice Note**, stating the **nature of the application** for the date on which the application is on the roll, should be **filed on Caselines** setting out at least the following:
 - 2.1 Was the matter previously postponed? If so, what was the reason for the postponement;
 - 2.2 If the papers consist of more than just the application concerned, (for instance, previous applications or pleadings not relevant to the

- application) the application must be properly identified by reference to the section and page number to avoid a search for it;
- 2.3 The return of service relevant to the date of hearing must be identified by reference to the page number;
- 2.4 If service by the Sheriff was not necessary, the reason for that must be stated. The other form of service must then be identified by reference to the page number;
- 2.5 If personal service is necessary, (for instance in sequestration applications) it must be stated and if this requirement was not complied with, reasons must be provided;
- 2.6 Where certain practice or legal requirements have to be complied with (for instance in **Rule 46A applications**) compliance with **all those requirements (for instance, primary residence or not, personal service or not, sworn valuation or not, reserve price or not etc)** must be **clearly stated** and then **also identified** in the papers by reference to the page number(s) and par;
- 2.7 If any Regulation (relating to Covid-19 or not) or Statute is applicable it **must be stated and compliance therewith be identified** in the papers by reference to the page number and par;
- 2.8 If there is any problem with the application, it must be clearly **identified and disclosed**. If there is no problem **it must be stated that the papers are in order**;
- 2.9 Name and contact details of counsel (tel nr and email address) must be stated.
3. If there is any other information (for example a request for an oral hearing) it must also be stated in the practice note.
4. **Failure to file a practice note in compliance with this Notice, dealing with each of the par referred to above separately and completely (i.e. par by par individually), to assist the court in considering the application properly, may result in the application be struck off the roll. If a particular par is not applicable, then it must be so indicated and not merely be ignored or omitted. The filing of heads of**

- argument will not replace the duty to file a practice note in terms of this Directive. This requirement will be strictly applied.**
5. In all applications where heads of argument must be filed, a failure to do so will also result in the application being struck off the roll.
 6. A proper and complete **Draft Order, indicating the date and particulars of the Judge, (using MS Word enabling variation thereof)** must be **filed on Caselines** for the court to consider.
 7. **The Practice Note, Draft order and/or heads of argument (if applicable) must be filed by no later than 9:00 on Monday 22 November 2021, failing which the application will be struck off the roll. Filing must be done on CASELINES ONLY (and NOT by email to Me S Gillissen).**
 8. **It is the responsibility of the applicant's attorney to ensure that the matter is TIMEOUSLY, PROPERLY AND FULLY uploaded onto Caselines and that the Judge and his clerk will have access to the matter at the latest at 9:00 on the day before the date of hearing to enable the Judge to read the papers. There should also be a complete and proper index identifying all the relevant documents and where to find them. Late filing or updates will not be accepted.**
 9. **In divorce matters** the plaintiff must file an affidavit on the merits and the attorney an affidavit on the authenticity of the marriage certificate.
 10. Counsel must be available on the date of hearing to attend an oral hearing if requested by the court.
 11. **A failure to comply fully with this notice may result in the matter be struck off the roll.**

DS FOURIE

JUDGE OF THE HIGH COURT

PRETORIA