IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION PRETORIA)

(UNOPPOSED MATTERS UPLOADED ON CASELINES) OUTCOMES

24 FEBRUARY 2023

BEFORE THE HONOURABLE JUSTICE KHUMALO J

1. APARTAN TRUCK VS TRAVEA LTD 63502/21

Notes: Rule 35 (1) Default judgment – Hiring/Rental of trucks – The invoices attached include individual invoices of Fridges recording Km travelled by these fridges, tracking & excess Km charged – Total invoices of such exceed R120 000 – Clarification of such amounts vis a vis the agreement and the particulars of claim required

Outcome: Matter postponed sine die Adv Jacobs <u>albe@gkchambers.co.za</u>

2. STD BANK LTD VS N D NDLOVU 10995/21

Notes: Default Judgment & Rule 46A Application – Valuation report illegible-

Outcome: Suspended until 10h30. The Draft Order on case line J3-J4 with reserve price of

R482 585.39 is to be considered

Adv M Ragoale mragoale@gmail.com.

3. VOLKSWAGEN LTD VS K C FILLIS 51206/21

Noes: Default Judgment Application – Cancellation of Instalment Sale Agreement and Repossession- service at the main gate – Notified after service of Summons that Defendant moved from the *domicilium* address. Service of Notice of set down at the main gate of the same property not acceptable.

Outcome: Matter removed for effective service on Defendant.

Adv Jacobz albe@gkchamber.co.za

4. M P NKUNA VS MEC OF HEALTH, GAUTENG 3796/22

Notes: Application for condonation- notice to oppose filed.

Outcome: Matter to be removed from the roll Adv Mogoatsane; tefomogoatsane@gmail.com

5. SB GUARANTEE VS C J SWANEPOEL+4 16761/22

Notes: Default Judgment & Rule 46 A Application – Notice to Defend filed

Outcome: Matter removed as per the Draft Order

Adv Mogale advmogale@otlook.com

6. FIRSTRAND AUTO LTD VS TOP OF AFRICA SAFARIS CC 11991/21

Notes: Default Judgment and Rule 46A

Outcome: Suspended until 10h30 - Draft Order on case line01—5-010-8 is to be

considered

Adv

7. FNB BANK LTD VS N R NEBE 29642/22

Notes: Default Judgment and Rule 46A Application

Outcomes: The Draft Order on case line B12-B14 to be amended to exclude paragraph 7 is

to be made an order of court

Adv J Minnaar minj@law.co.za

8. E M JANSSEN VS MASTER OF COURT, PTA 30024/22

Notes: Declaratory Order relating to will.- The Notices dated 25 January 2023 set the matter down for hearing on 23 and 24 February 2023, but were purportedly served on Respondent on 12 August 2022 whilst the Notice of set down dated 1 August 2022 for hearing on 27 October 2022 was also served on 12 August 2022. No Court Order or explanation on practice note regarding outcome on 27 October 2022 per Adv Coertze.

Outcome: Matter struck off the roll -

Adv Barreiro catarina@gkchambers.co.za

9. NEDBANK LTD VS J J CRAFFORD+6 33572/22

Notes: Default Judgment Application – If immovable property intended to be executed the primary residence of the alleged debtor/s? Rule 46A applies only to the (Judgment) debtor whose primary residence is the mortgaged property on whom personal service is to be effected. Updated statement of account must be filed—service on all 7 Respondents by affixing at the main gate of all the *domicilium* addresses - Door or stand no 822 not included on address in an estate where there is no security and right of admission reserved. 4th Respondent said to have moved offices.

Outcome: Matter postponed for effective service on 1st, 2nd, 3rd, 5th, 6th and 7th Respondent and for service personally on 5th Respondent.

Adv Richard conrad@clubadvocates.co.za

10. FIDELITY CORPORATE VS V CHETTY 16254/22

Notes: RULE 31 (5) Application –Summons by affixing at the gate – Notice after 6 months served only by email – No proof of consent for service by email and or confirmation that e mail address received.

Outcome: Matter postponed sine die for service at Defendant's residence.

Adv Lerm <u>lerm@lawcircle.co.za</u>

11. E GOVENDER VS DG HOME AFFAIRS 034869/22

Notes: Application to compel consideration of Applicant's Application for a naturalisation certificate

Outcome: The Draft Order on case line is to be amended on paragraph 2 to read "within 30 days" and costs reserved. The amended Draft Order is to be made an order of court **Adv Smith; brandonsmith3282@gmail.com**

12. FALCON VIEW ESTATE VS COMPANIES INTELLECTUAL 018139/22

Notes: Application for restoration of Company registration in terms of 83 (4) (a) read with s 82 (4) of Act 71 of 2008 - Failure to comply with court order, still no service effected on 7th Respondent – No updated Practice Note – No set down for 24 February 2023

Outcome: Matter struck off the roll

Adv Roos wroos@rsabar.com

13. K H MUNYAI VS DG HOME AFFAIRS 007052/22

Notes: Application to compel - Was set down for hearing on 15 January 2023 -

Outcome: Matter removed from the roll

Adv

14. L FILIPOV VS E MAUVHELWANA 051374/22

Notes: Ex parte Application in terms of S 4 (2) of the PIEU Act - Draft Order & practice

note

Outcome: Draft Order on case line 07-1- 07-2 is made an order of court

Adv Z Schoeman <u>zjaan@webmail.co.za</u>

15. MAILING & MECHANISATION VS DIAMOND PANEL BEATERS 029222/22

Notes: Application was on roll on 15 February 2023 – No set down for 24 February 2023

Outcome: Matter removed from the roll

Krynauw Attorneys; frik@krynauwlaw.co.za

16. STD BANK LTD VS O L MUDAU 45056/19

Notes: Rule 35 (1) A Default Judgment- Summons by affixing- Updated certificate of

balance and NCR Certificate to be filed-Outcome: Matter postponed sine die. Adv N Latief <u>nlatief@lawcircle.co.za</u>

BY THE TIME THIS ROLL WAS FINALISED THE UNDERMENTIONED COURT ONLINE

MATTERS WERE NOT DISPLAYING DOCUMENT ON CASELINE

17. S C STEPHENS VS B A NORTON 040806/22

18. M D TALA VS F E EKOKO 009019/22