

HOW TO OBTAIN A SUPERIOR COURT ORDER

What is a court order?

The end result of all cases issued in Court is the obtaining of a Superior Court order

Who is authorised to grant a Court order?

Superior Court orders are given by a Judge of the High Court and issued by the office of the Registrar

Who is authorised to sign/issue a court order?

A Judge may initial the Court order but only a Registrar is allowed to sign a court order

Can a court order only be issued at court?

A Superior Court order can only be issued at a Superior Court that granted the order.

Must a party be present for a court order to be issued or can it be issued in his/her absence?

A Superior Court order can be issued in the absence of the parties.

What is the procedure for obtaining a court order?

The following processes and procedures are involved in the obtaining of such order

1. A Judge will give a Superior court order at the end of a summons or motion proceeding.

2. The order is annotated on the cover of the Court file by the Judges clerk
3. This order is then taken to the Registrars section of the High Court
4. The typists at the Superior Court will then type the said order
5. The typist will have the typed order taken to a Registrar who will then sign the said order
6. Draft orders handed up to a Judge in court are initialled and dated on the top right hand corner
7. The order is then taken to the typist to ensure that all relevant information and details are on the draft order
8. Typist will then take the draft order to the Registrar to sign.

How do you identify that a court order is legitimate?

- 6.1. The order will have the emblem of the office of the Chief Justice affixed to the top of it, older orders will have the Coat of Arms emblem affixed to it
- 6.2. It will state in which Division the order was made e.g. "In the High Court of South Africa, North West Division, Mafikeng"
- 6.3 It will have the date
- 6.4. It will state the name of the Judge as follows "Before the Honourable Mr Justice Mamogale"
- 6.5. It will state the names of the Plaintiff and Defendant
- 6.6. It will state the order given

6.7. The date stamp of the court will be affixed

6.8. The order will be signed by the Registrar

6.9. The court seal will be affixed to the order

Will a party to a matter receive an original or a copy of a court order?

The court order will be an original that will be provided to the party who brought the application and a copy to the other side.

How do you go about verifying if the court order that was issued is an authentic and legal document?

Should any individual be unsure about the legitimacy of any court order they should contact the Chief Registrar/ Registrar's office of that particular court.

What is the next process to be followed when it is determined that the court order in your possession is not a legitimate court order?

If it is determined that the court order in your possession is not a legitimate one the following steps must be taken

- The court order must be reported to the Registrar's office at the court of issue
- The matter must be reported to the nearest SAPS office for further investigation

"IT IS A CRIMINAL OFFENSE FOR ANYONE TO ISSUE A DOCUMENT THAT PURPORTS TO BE A COURT ORDER IF IT WAS NOT ISSUED AT COURT BY A JUDGE"

SUPERIOR COURTS CONTACT INFORMATION

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