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**Subject:** Allocated opposed motion roll - Judge Potterill - 18-21 June 2019  
**Attachments:** OPPOSED MOTION ROLL AS ALLOCATED TO JUDGES - 18-21 JUNE 2019.docx

**Importance:** High

Dear All

Please find attached the opposed motion roll of 18-21 June 2019 as allocated by Judge Potterill.

Please distribute the roll to your members.

Kind regards

Joanna Hefer

Registrar: Judge Potterill

Gauteng Division, Pretoria

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OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA

# OPPOSED MOTION ROLL AS ALLOCATED TO JUDGES DATE 18-21 JUNE 2019

NO	CASE NO.	PARTIES	NATURE OF MATTER	PRACTICE NOTE (PN) & HEADS OF ARGUMENT (HOA) FILED	TIME	JUDGE
1	60705/11	TSHEPO SEKHESA + 1 VS BRUSSON FINANCE (PTY) LTD + 3	Application for leave to amend particulars of claim Third respondent raises prescription and no cause of action	PN & HOA by applicant: Adv. B.D. Stevens PN & HOA by 3 <sup>rd</sup> respondent: Adv. C.J. Dreyer	1 hour	Ferreira AJ
2	82834/14	CITY OF TSHWANE METROPOLITAN MUNICIPALITY + 1 VS LESEGO MEDIA CC t/a Y MEDIA + 2	Order directing first respondent to demolish gantry advertising structures and removal of all materials from sites	PN & HOA by 1 <sup>st</sup> applicant: Adv. K. Mnyandu PN & HOA by respondents: None 690 pages	3 hours Judge's estimate: 1.5 hours	C Swanepoel AJ
3	78757/14	TRUSTCO GROUP INTERNATIONAL (PTY) LTD + 3 VS HAHN & HAHN INC	Order separating out the defendant's jurisdictional plea and dismissing same	PN & HOA by applicants: Adv. K.W. Lüderitz SC + Adv. K. Iles PN & HOA by respondent: Adv. R. Michau SC + Adv. M.	2 hours	C Swanepoel AJ

					du Plessis			
4	91388/15	JAMES BRUCE RICHARDS VS MARIANNE EMMERENTIA RICHARDS + 1		Payment and termination of joint ownership of properties	PN & HOA by applicant: Adv. Z. Marx PN & HOA by respondent: None	1 hour	Thompson AJ	
5	23639/15	BETTY MISENGA LETA VS TRAVIS BENNET + 5		Application to set aside the transfer of immovable property on basis of fraudulent misrepresentation	PN & HOA by applicant: Adv. S.J. Hayward PN & HOA by 3 <sup>rd</sup> & 4 <sup>th</sup> respondents: Adv. P.I. Oosthuizen	2-2.5 hours	C Swanepoel AJ	
6	13193/15	HERBERT PHATLHE KOFANG VS NKHENSANE RAMA KOFANG		Application to endorse the parties' respective pension funds	PN & HOA by applicant: Ms. E.J. Burnett PN & HOA by respondent: None	20 min	Killian AJ	
7	72799/16	PASSANGER RAIL AGENCY OF SOUTH AFRICA VS FENTON GASTIN		Declaratory order and orders for payment, alternatively review in terms of PAJA	PN & HOA by applicant: Adv. P.L. Mokoena SC + Adv. O.K. Chwaro PN & HOA by respondent: None	2 hours	Mphaga AJ	
8	39492/15	MONHLA WILMA HLAHLA VS GREGORY		Issues relating to granting	756 pages PN & HOA by	30 min	Ferreira AJ	

		JOHN ELS		of decree of divorce be decided prior to and separately from determination of accrual in respective estates of parties	applicant: Adv. B. Fourie SC PN & HOA by respondent: None		
9	7374/19	GLOBAL GLAD DEVELOPERS CC t/a AXON SECURITY VS PRIMROSE GOLD MINES (PTY) LTD + 1		Application to commence business rescue proceedings	PN & HOA by applicant: None PN & HOA by 2 <sup>nd</sup> respondent: Adv. C. Louw SC	3 hours Judge's estimate: 2 hours	C Swanepoel AJ
10	66844/16	A O NWAFOR VS MINISTER OF HOME AFFAIRS + 2		Application to review and set aside decision of first and second respondents to deprive applicant and children of SA citizenship	PN & HOA by applicant: Adv. F.W. Botes SC PN & HOA by respondent: Adv. G. Bofilatos SC	1 hour/2-3 hours	Potterill J
11	92117/16	JJ KRUGER VS THE STANDARD BANK OF SOUTH AFRICA LIMITED		Rescission of summary judgment	PN & HOA by applicant: None PN & HOA by respondent: Adv. J.H. Jooste	45 min	Killian AJ
12	90354/16	NATASHA NADIA LE THEA VS THE HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA + 3		Review application in terms of PAJA	PN & HOA by applicant: Adv. H.A.A. Krige HOA by 1 <sup>st</sup> -3 <sup>rd</sup> respondents: Adv.	1 hour	Killian AJ

13	51765/17	THE CITY OF CAPE TOWN VS THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA + 1	Declaratory or alternative relief in relation to section 34 of Electricity Regulation Act 4 of 2006	M.E. Manala PN & HOA by applicant: Adv. W. Trengrove SC + Adv. N. de Jager + Adv. C. Tabata PN & HOA by 1 <sup>st</sup> respondent: Adv. N.H. Maenetje SC + Adv. I. Goodman + Adv. R. Itzkin PN & HOA by 2 <sup>nd</sup> respondent: Adv. T. Norman SC + Adv. M. Makoti + N. Kekana	1 day	Removed by notice
14	72865/17	CRAIG PAPAS VS NICOLE RUST	Parental rights and obligations relating to and residence of and contact with minor child Committal for contempt	PN & HOA by applicant: Adv. M. Coetsee PN & HOA by respondent: None, in person	20 min If appearance by respondent – 1-2 hours Judge's estimate: 1 hour	Ferreira AJ
15	59832/17	NARE JANE MOTHIBA + 2 VS EULENDA SHIRLEY MNONE + 3	Application to file supplementary affidavit	PN & HOA by applicant: Adv. T.S.	3-4 hours	Mphaga AJ

16	37184/17	LEONIA LIBUSENG MAKOKO VS FIRSTRAND BANK LIMITED	Rescission of judgment	Mbhalati HOA by respondent: C. Joubert PN & HOA by applicant: Adv. J. Minnaar PN & HOA by respondent: None <b>Seeking allocation for 19 June 2019</b>	Judge's estimate: 1 hour 2-3 hours Judge's estimate: 1 hour	Killian AJ
17	47388/17	VICTOR VUSUMUZI PHENYANE VS AOQUILA THEMBISILE PHENYANE	Rescission of judgment	PN & HOA by applicant: None PN & HOA by respondent: Adv. Z. Marx	1 hour	Mphaga AJ
18	68259/17	CORNELIA ELIZABETH BENNETT (TROMP) VS CHRISTO TROMP	Applicant alleges respondent is in wilful breach of order regarding maintenance	PN & HOA by applicant: Adv. M. Coetsee PN & HOA by respondent: None	1-2 hours Judge's estimate: 1 hour 30 min	Ferreira AJ
19	56581/17	MASIMBA GARABA VS CHANGING TIDES 17 (PROPRIETARY) LIMITED N.O.	Rule 46 application to determine a reserve price	PN & HOA by applicant: None PN & HOA by respondent: Adv. J. Minnaar	2 hours Judge's estimate: 1 hour	Removed by notice
20	4926/17	VAN HEERDEN & BRUMMER INC VS HARRY MARK DEON BATH	Application for leave to amend plea	PN & HOA by applicant: Adv. G.F. Heyns HOA by respondent: Filed by Kraljevich &	1 hour	Thompson AJ

21	9299/17	MASILO EVELYN RAMOSOEU VS THE ROAD ACCIDENT FUND APPEAL TRIBUNAL + 2	Review application in terms of PAJA	Janse van Vuuren Inc PN & HOA by applicant: Adv. H.A.A. Krige PN & HOA by 1 <sup>st</sup> , 2 <sup>nd</sup> , respondents: Adv. I.P. Ngobese	1 hour 30 min	Potterill J
22	16102/17	ANTONIO TRIPACHES FRAY VS THE ROAD ACCIDENT FUND APPEAL TRIBUNAL + 2	Review application in terms of PAJA	PN & HOA by applicant: Adv. W.R. du Preez HOA by 1 <sup>st</sup> and 2 <sup>nd</sup> respondents: Adv. L.M. Maite	1-2 hours	Potterill J
23	84122/17	MATTHYS ISAK CRONJE N.O. VS B AND S MATERIAL HANDLING (PTY) LTD + 5 <b>(TO BE ALLOCATED WITH 33)</b>	Winding-up of first respondent	PN & HOA by applicant: Adv. M. Louw PN & HOA by respondent: None	2 hours	Thompson AJ
24	61860/17	ASSUPOL LIFE LIMITED VS STONELINK TRADING AND PROJECTS (PTY) LTD + 1	Rescission of judgment	PN & HOA by applicant: None PN & HOA by respondent: Filed by Jarvis Jacobs Raubenheimer Inc (Adv. J. Eastes)	1 hour	Killian AJ
25	12727/17	MES 120 PROPERTIES (PTY) LIMITED VS GOODMAN MPILO SIMELANE + 2	Eviction order in terms of Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 Exception	PN & HOA by applicant: Adv. R. Pottas PN & HOA by respondent: None	2 hours Judge's estimate: 1 hour	C Swanepoel AJ
26	41377/17	LATEST SIGHTINGS (PTY) LIMITED VS JOAN YOUNG	Exception	PN & HOA by excipient/defendant: None PN & HOA by	1 hour	Mphaga AJ



27	82048/18	NAFIZ MODACK + 1 VS THE NATIONAL COMMISSIONER, SOUTH AFRICAN POLICE SERVICES + 3	Application to return firearms	respondent/plaintiff: Adv. R. Michau SC PN & HOA by applicant: Adv. M. Snyman PN & HOA by respondent: None	2-3 hours Judge's estimate: 1 hour	Potterill J
28	17383/18	TRACEY CHRISTINE VANCE VS BMW FINANCIAL SERVICES SOUTH AFRICA (PTY) LTD	Rescission	PN & HOA by applicant: None PN & HOA by respondent: Adv. A. Craucamp (Van Niekerk)	1 hour Judge's estimate: 30 min	Thompson AJ
29	22003/18 22004/18 22013/18	LAVORO INNOVATIVE SOLUTIONS (PTY) LTD VS MERCEDES-BENZ FINANCIAL SERVICES SA (PTY) LTD	Rescission of judgment	PN & HOA by applicant: None PN & HOA by respondent: Adv. C. Richard	1 hour	C Swanepoel AJ
30	17279/18	MABANDLA GOODWILL MOLAI VS SIMON VUSUMUZI MAHLANGU + 1	Sequestration	PN & HOA by applicant: None PN & HOA by 1 <sup>st</sup> respondent: Adv. P.L. Uys	1 hour	Killian AJ
31	55331/18	PATHWELL NTOZINI VS THE SHERIFF OF THE-HIGH COUR JOHANNESBURG SOUTH + 2	Application to set aside a sale in execution	PN & HOA by applicant: None PN & HOA by 3 <sup>rd</sup> respondent: Adv. J.H. Jooste	30 min	Ferreira AJ
32	86011/18	THE SOUTH AFRICAN NURSING COUNCIL VS THE HOSPITAL ASSOCIATION OF SOUTH AFRICA + 3	Review and setting aside of <i>ad hoc</i> appeal committee in terms of PAJA	PN & HOA by applicant: Adv. D.B. du Preez SC + Adv. L. van Wyk PN & HOA by 1 <sup>st</sup>	4 hours	Potterill J

				respondent: Adv. S. Budlender + Adv. S. Pudifin-Jones 527 pages					
33	57449/18	THE STANDARD BANK OF SOUTH AFRICA LIMITED VS B AND S MATERIAL HANDLING PROPRIETARY LIMITED + 7  <b>(TO BE ALLOCATED WITH 23)</b>	Order to set aside resolution to place first respondent under business rescue Winding-up order	PN & HOA by applicant: Adv. B.M. Gilbert PN & HOA by 2 <sup>nd</sup> respondent: None PN & HOA by 3 <sup>rd</sup> to 7 <sup>th</sup> respondents: None	90-120 min	Thompson AJ			
34	40313/18	THE STANDARD BANK OF SOUTH AFRICA LIMITED VS AMARIS PROPERTIES (PTY) LTD + 5	Money judgment Order declaring property specially executable	PN & HOA by applicant: Adv. M. de Oliveira PN & HOA by 1 <sup>st</sup> to 6 <sup>th</sup> respondents: Du Plessis Mundt Attorneys	1 hour	Thompson AJ			
35	45781/18	THE STANDARD BANK OF SOUTH AFRICA VS DIABOR (PTY) LTD + 5	Repossession of assets Money judgment	PN & HOA by applicant: Adv. M. de Oliveira PN & HOA by 1 <sup>st</sup> to 6 <sup>th</sup> respondents: Du Plessis Mundt Attorneys	1 hour	Ferreira AJ			
36	79684/18	BOLOMBE 82 TRADING AND PROJECTS CC VS PASSENGER RAIL AGENCY OF SOUTH AFRICA	Contractual claim for payment	PN & HOA by applicant: Adv. R. Grundlingh PN & HOA by respondent: None	2 hours Judge's estimate: 1 hour	Killian AJ			
37	1998/18	GODRICH FLOUR MILLS (PTY) LTD VS THE	Application to declare on	PN & HOA by	90	Mphaga AJ			

		CITY OF TSHWANE METROPOLITAN MUNICIPALITY + 1	prescription	applicant: Adv. J. Eastes PN & HOA by 1 <sup>st</sup> respondent: Adv. T.E. Hlokwé	min/1-2 days Judge's estimate: 90 min	
38	55442/18	BUSINESS PARTNERS LIMITED VS K2017314902 (PTY) LTD	Application for striking out Application for condonation for late filing of answering and replying affidavits Point in <i>limine</i> lack of personal knowledge of deponent to founding affidavit Main application: liquidation	PN & HOA by applicant: Adv. C.L. Markram-Jooste PN & HOA by respondent: None	1 hour 30 min Judge's estimate: 1 hour	Mphaga AJ
39	23399/18	LEBOGANG MARGARET NTLHANE VS THEMBI NKOKOANA MATLALA + 4	Marriage to be declared null and void between deceased and first respondent Second respondent to deregister marriage Second respondent to register customary marriage and issue certificate of marriage Exception	PN by applicant: Adv. K. Mhlanga (No heads) PN & HOA by 1 <sup>st</sup> to 5 <sup>th</sup> respondents: Adv. A.P.P. Manamela	1 hour 30 min	Ferreira AJ
40	68620/18	FREEDOM THERAPY CC t/a HOUSE GENERATION + 3 vs DENZHE PRIMARY CARE NPO	Exception	PN & HOA by applicant (excipient): Adv. E. Prinsloo PN & HOA by respondent: None	2-3 hours Judge's estimate: 1 hour	Potterill J
41	69330/18	INVESTEC BANK LIMITED VS LOMBARD INSURANCE COMPANY LIMITED + 1	Money judgment in terms of performance guarantee	PN & HOA by applicant: Adv. P.	35 min/40	C. Swanepoel AJ

42	8828/19	MAWETSE (SA) MINING CORPORATION (PTY) LTD VS CHEETAH CHROME SOUTH AFRICA (PTY) LIMITED	issued by first respondent	Ellis SC PN & HOA by 1 <sup>st</sup> respondent: Adv. C. McAslin + Adv. N. Makhaye PN & HOA by applicant: Adv. J.P. Vorster SC + Adv. C.P. Wesley PN & HOA by respondent: Adv. J.G. Wasserman + Adv. C.T. Vetter	3 hours	Mphaga AJ
43	2532/19	FIRSTRAND BANK LIMITED VS ESPARNIS CC	Declaring clause 3 of Memorandum of Understanding concluding between the parties enforceable Order to comply with clause 3 Rule 16A notice - condonation Liquidation (Matter no longer opposed)	PN & HOA by applicant: Adv. N.G. Louw PN & HOA by respondent: None (not opposed)	1 hour	Potterill J
44	7374/19	CALCHASE (PTY) LTD VS RAYAL LOGISTICS (PTY) LTD	Application for return of motor vehicles	PN & HOA by applicant: Adv. P. van der Berg SC PN & HOA by respondent: None	1 hour Judge's estimate: 30 min	Ferreira AJ