

## Deon Gericke

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**From:** Karen Erlank <KErlank@judiciary.org.za>  
**Sent:** Monday, 31 August 2020 09:56  
**To:** advocate (advocate@law.co.za); admin@sga.co.za; director@lsnp.org.za; delene@lawcircle.co.za; info@churchsquarebar.co.za; hes1@law.co.za; jhbbar@law.co.za; jhbadmin@law.co.za; Michele Campbell; manager@clubadvocates.co.za; manager@advchambers.co.za; manager@gkchambers.co.za; northgautengadv@gmail.com; nccadmin@law.co.za; ptabar@law.co.za; Ronel Tolmay  
**Cc:** dineomaluleka@up.ac.za  
**Subject:** LETTER AND NOTES - UNOPPOSED MOTION COURT ROLL - TOLMAY J - 1 SEPTEMBER 2020  
**Attachments:** UNOPPOSED.MOTIONS.1SEPTEMBER.LETTER.docx  
**Importance:** High

Dear sir/madam

Kindly find attached hereto a letter which is self-explanatory , together with a breakdown of most matters on the unopposed roll before Tolmay J on 1 September 2020.

Please read careful and address the queries/notes as raised by Tolmay J regarding your matter/s via email to me as soon as possible.

Please note that in all divorce matters the settlement agreement must also be attached to the draft order, or emailed to me in PDF.

Kind regards



OFFICE OF THE CHIEF JUSTICE

**KARIN ERLANK**

Secretary to The Honourable Madam Justice Tolmay

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UNOPPOSED MOTION COURT ROLL –TUESDAY 1 SEPTEMBER 2020 –TOLMAY J

1. Please read attached the notes regarding the unopposed motion court carefully and respond to the queries by Tolmay J before close of business today, that is 16:00 today, 31 August 2020, by way of written submissions and email it to me.
2. Orders will be granted in matters 4, 6, 10, 13, 15, 33, 38, 39 and 40 unless the Judge is informed that it should not be granted.
3. In most of the other matters the master bundle on caselines was not index properly, please note that each documents should be indicated separately on caselines to assist with easy reference. A typed index reflected in the documents does not constitute proper indexing. Most of the practice notes also do not comply with the Practice Directives issued. Practitioners have until 16:00 TODAY, Monday 31 August 2020 to rectify these problems. If this is not done the matters will be removed from the roll.
4. Please note that it is the duty of practitioners to keep up to date with the directives.
5. If matters are to be postponed an email should be send to me [kerlank@judiciary.org.za](mailto:kerlank@judiciary.org.za).
6. If any practitioner should require a Zoom conference I should be informed before 16:00 today and the Judge will allocate a time during the course of Tuesday when you will be heard. It is the practitioner's duty to set up a Zoom meeting and let me have the ID and PASSWORD for the meeting.

Regards

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K ERLANK

PA: TOLMAY J

**OPPOSED MOTION COURT ROLL – 1 SEPTEMBER 2020 – TOLMAY J**

1. 14229/20 - MATHONSI

Draft order must be emailed to me in Word format

2. 5633/20 – S MANSER vs F J DRYER

Par 7.3 of settlement, Trust account, details of attorney not complete. Please complete and email it in Word format to me

3. 11468/20 – M C BRIGHTWAITE vs M BRIGHTWIATE

Nothing uploaded on caselines. Will be removed from the roll

4. 87381/20 –H E Beeslaar VS M E Beeslaar

5. 60861/18 – T I MUDAU vs R D MUDAU

It seems that the divorce order was granted on 27 July 2020. Why is the matter on the roll? Please email response to me.

6. 82591/19 – A S J SMITH vs A SMIT

7. 76335/19 – E MALULEKE vs T M MALULEKE

- a) Was the divorce proceedings served on the family advocate? If it was please provide proof of it, via email to me.
- b) The matter was served on the defendant on 30 November 2019, more than 6 months ago. The notice of set down must be served on the defendant.
- c) The matter will be removed from the roll, unless the legal practitioner request an oral hearing, preferably on Zoom, arrangements must be made with me before close of business today.

8. 3242/20 – T NAUDE vs A J NAUDE

9. 14863/20 – F T HLAIIDI vs J T MOTHIBI

- a) A curator ad litem/legal practitioner should be appointed for the minor children and he/she should report to the court regarding their best interests.
- b) Was the application served on the family advocate? If so, please email me the proof thereof.

- c) The court will make an order postponing the matter and providing for the aforesaid unless the legal practitioner requests a Zoom meeting which must be arranged for Tuesday 1 September 2020 before today at 16:00, alternatively a draft order in accordance with the Judge's proposal should be prepared and emailed to me.

10. 80372/15 – N SIMONS vs RAF

11. 37944/19 – C SCHOTT vs D A SCHOTT

No papers on caselines.

12. 16624/19 – T E BIYELA vs B BIYELA

The return of service was not served on the defendant personally. Unless proof of service is provided or an affidavit by the defendant that she is aware of the matter proceeding. on 1 September 2020 and that the order incorporates the deed of settlement can be granted on papers only, the matter will be postponed.

13. 22721/20 – T A BRAND vs J M BRAND

14. 92707/19 – M NICE vs P NICE

15. 60180/19 – G MADUNGANDABA vs R T MADUNGANDABA

16. 87510/18 – E NDENDZE vs T NDZENDZE

The master bundle was not properly indexed and paginated. The practice note does not comply with the Judge President's directive .

The matter will be postponed sine die, unless counsel can persuade the Court otherwise by way of submissions via a Zoom hearing. Submissions must be filed before close of business today, or a Zoom hearing arranged before then. The Court notes that the family advocate did not endorse the settlement.

17. 1761/20 – T B MOKOENA vs S T MODINGWANA

The summons was served more than 6 months ago. Please provide proof that the defendant is aware of the fact that the matter is set down for 1 September 2020.08.30 Please email me the draft order in Word format and the settlement agreement in PDF.

18. 90832/16 – M R SEPHU vs RAF

The defendant's name is incorrect on the roll.

The matter was not properly indexed and paginated on the master bundle.

The matter will be removed from the roll, unless counsel by way of submissions or a Zoom hearing, persuades the Judge otherwise. I must be informed before today at 16:00 via email

what the legal practitioner intends to do and any written submissions must be filed before 16h00 today.

19. 10679/20 – M M SPANG vs F F SPANG

No practice note was filed, despite the indication on the master bundle that it was.

An affidavit by a commissioner of oaths is required to certify that the marriage certificate uploaded on caselines is a copy of the original and it must be emailed to me before today at 16:00 and it must be uploaded on the master bundle.

The master bundle 001 makes no sense, an affidavit explaining the purpose of it must be filed and emailed to me before 16:00 today

20. 91956/19 – Y RAMLUTCHMAN vs D RAMLUTCHMAN

There was no compliance with the practice directive of the Judge President. No practice note or supporting affidavits were filed. The matter will be removed from the roll.

21. 31806/20 – Z BASSON vs M BASSON

Please email me the draft order in Word format and the settlement in PDF.

22. 18310/20 – D DE BRUYN vs C J SWANEPOEL

There was no compliance with the practice directives, as no affidavit by the plaintiff was uploaded on caselines.

The matter will be removed from the roll.

23. 68794/19 – F VAN STADEN vs N VAN STADEN

Summons was served on 19 October 2019, more than 6 months ago. There is no proof that the notice of set down was served on the respondent.

No compliance with the practice directive issued 30 April 2020:

- No practice note was filed;
- No affidavit filed by the plaintiff;
- No affidavit filed by the attorney regarding the authenticity of the marriage certificate.
- The matter will be removed from the roll.

24. 13101/20 – D MAJOLA vs RAF

No practice note filed.

No proof of service on respondent.

Master bundle not properly indexed and paginated.

25. 13596/20 – B S MUFAMADI vs RAF

No practice note filed.

No proper proof of service on defendant.

Master bundle not properly indexed and paginated.

26. 2177/20 – S L GOLD vs P GOLD

According to papers filed on caselines the divorce order was already granted on 13 July 2020, as a result the matter will be removed from them roll.

27. 70873/14 – H V MOKOENA vs RAF

Please note that the practice note does not comply with practice directives issued.

Please note that the master bundle is not properly indexed and paginated.

28. 62423/14 – S S MBOWANE vs RAF

29. 87365/16 – N W KHATHWAYO vs RAF

Please note that the practice note does not comply with the practice directives.

Master bundle not properly indexed and paginated.

30. 81953/15 – A L MAPHOSA vs RAF

Practice note does not comply with the practice directives.

Master bundle not properly indexed and paginated.

31. 2469/15 – C A MASINGA vs RAF

Practice note does not comply with the practice directives.

Master bundle not properly indexed and paginated.

32. 30247/18 – R P SHABANGU vs RAF

Practice note does not comply with the practice directives.

Master bundle not properly indexed and paginated.

33. 9923/20 – EX PARTE: N J MATLOU

34. 91596/19 – O T MAHLANGU vs REGISTRAR OF DEEDS & OTHERS

The master bundle was not properly indexed and paginated.

The second and third respondents must be notified that the first respondent wants to proceed.

A Zoom meeting must be arranged and the ID and Password must be provided.

Please note that if the matter is opposed it will have to be postponed to the opposed roll.

35. 9922/20 – EX PARTE: M BURGER

36. 69759/16 – M I MASANGO vs RAF

The practice note does not comply with the practice directives issued.

The master bundle was not properly indexed and paginated.

37. 17340/12 – ABSA BANK vs M D BAHULA

The practice note does not comply with the practice directives issued 30 April 2020.

The master bundle is not properly indexed and paginated.

Affidavit by Bianca du Toit is not signed and commissioned.

Matter belongs in the magistrate court, why should it not be transferred to the appropriate court?

The matter will be removed from the roll with no order as to costs.

The legal practitioner is invited to file written submissions before close of business today, 16:00.

38. 50064/19 – J N NOTHNAGEL vs RAF

39. 66378/18 – A KOTZE vs RAF

40. 65281/18 – S N MTSHWABE vs RAF