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**Subject:** Unopposed Motions before Judge DS Fourie 28 September 2021  
**Attachments:** Unopposed Motions 28 Sept 2021 before DS Fourie J.docx; Notice with regard to Unopposed Motions before Judge DS Fourie 28 September 2021.doc

Good day,

Attached the Unopposed Motion roll before Judge DS Fourie on 28 September 2021 AND the notice with regard thereto.

Regards,  
Sonya Gillissen



**REPUBLIC OF SOUTH AFRICA**

HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION  
PRETORIA

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**Sonya Gillissen**  
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**NOTICE REGARDING IMPLEMENTATION OF THE JUDGE PRESIDENT'S  
DIRECTIVES FOR THE UNOPPOSED MOTION COURT BEFORE JUDGE DS  
FOURIE ON 28 SEPTEMBER 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 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 27 September 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. Giliissen).**
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. 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**

**IN THE HIGH COURT OF SOUTH AFRICA**

**(GAUTENG DIVISION PRETORIA)**

**UNOPPOSED MATTERS BEFORE DS FOURIE J**

**28 SEPTEMBER 2021**

1. THE LAND & AGRICULTURAL BANK VS M ENGELBRECHT		50342/20
2. CORIA TRUCK	VS SUPERIOR TRANSPORT	90767/19
3. AC MAVUNDLA	VS RAF	51842/18
4. FNB	VS TN MKHABELA	20674/21
5. CHANGING TIDES	VS SC LETELE	42854/20
6. EX PARTE BK PERUCATTI		12106/21
7. AM DOLO	VS TE DOLO +2	17076/02
8. DL NTLATLENG	VS THEMBISA MALL	97770/16
9. PRESMOOI PTY LTD	VS V JEKUBENI +2	5560/21
10.ALERT PLUMBING	VS DAMANE TRADING	20447/21

11.BJ JOUBERT	VS	K JOUBERT	40173/21
12.JA GAIE	VS	FM GAIE	3665/21
13.MS MOGAGABE	VS	SS MOGAGABE	34390/20
14.EX PARTE CE FOURIE			40874/21
15.EX PARTE CM SCOTT			6313/21
16.C PRETORIUS	VS	J PRETORIUS	40153/20
17.EX PARTE JO CLOETE			5796/20
18.MORGENHOF HOMEOWNERS	VS	SI SHOZI +3	66685/19
19.TRIBEKA DEVELOPMENTS	VS		
MONA LE MANE TRADING			28015/21
20.CHANGING TIDES	VS	F MULAISE +1	17859/13
21.L FILIPOV	VS	ER KATZ +1	19363/21
22.EX PARTE C ODENDAAL			37202/21

23.CA SWART	VS	S SWART	52812/20
24.RA DE RUITER	VS	NC DE RUITER	36189/21
25.ABSA BANK	VS	JP MAHOOA	27386/21
26.HC HARDING	VS	SE STOLS	63673/20
27.Z NGWENYA	VS	RM NGWENYA	24094/20
28.EX PARTE R ROUX			59422/20
29.EX PARTE WS WYTRYKOWSKI			27272/21