

Yvonne Badenhorst

From: Ellick VanDerMerwe <EVanDerMerwe@judiciary.org.za>
Sent: Tuesday, 11 July 2023 11:09
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Subject: 2023-07-10 - Unopposed Roll - KHUMALO J (Ms) FINAL OUTCOMES
Attachments: 2023-07-10 - Unopposed Roll - KHUMALO J (Ms) FINAL OUTCOMES.pdf

Dear all,

Please find attached for your attention.

Regards,

Mr Ellick van der Merwe

Judge's Registrar for:

KHUMALO J (Ms)

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**HIGH COURT
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PRETORIA**

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IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION PRETORIA)

(UNOPPOSED MATTERS UPLOADED ON CASELINES)

10 JULY 2023 OUTCOMES

BEFORE THE HONOURABLE JUSTICE KHUMALO J

1. NEDBANK LTD VS D S NTAKA 040974/22

Notes: Rule 31 (2) Application – Repossession

Order: Draft Order on caseline J3-J4 is made an order of court

Adv Ndou luckyndou1@gmail.com

2. NEDBANK LTD VS L J MORENAMELE 60925/21

Notes: Default Judgment & Rule 46A Application-

Order: Draft Order on case line 006-11-006-12 with reserve price to be amended to R450 000.00 is made an order of court- The order is to be served on the Respondent as per substituted service order prior to execution. Respondent informed Applicant w that she no longer stays at the property 002-82.

Adv Hennop advhennop@brooklynchambers.co.za

3. TOYOTA FINANCIAL VS L MALULEKE 38880/21

Notes: Rule 31 (2) Application – Notice of Bar -Application and Notice of set Down to be served on the attorneys of record.

Order: Matter removed from the roll

Adv Welgemoed advciwelgemoed@lawcircle.co.za

4. ESKOM SOC LTD VS B MMORGAN 65563/18

Notes: - NCR Certificate (exp 2007)- File an updated statement of balance – Summons affixed in 2018 – Summons also to be served on Respondent

Order: Matter postponed sine die

Haasbroek Boezart vdmerwej@hblaw.co.za

5. J H RABIE VS RAF 13636/21

Notes: Application for costs in terms of s 17 (4) (a) Undertaking -

Order: Draft Order on case line 010-3-010-4 is hereby made an order of court

Mr Modiba admin@kmodibaattorneys.co.za

6. BMW FINANCIAL VS R BOTHA 001301/22

Notes: Default Judgment Application – No Application on caseline:

DOCUMENTS ONLY ON COURT ON LINE

Order: Draft Order X made an order of court.

Adv Muller

7. P L DITSHEGO VS MEC OF HEALTH,GAUTENG 29421/21

Notes: Matter to be postponed sine die as agreed by the parties

Order: Draft Order marked X hereby made an order of court.

8. NEDBANK LTD VS H J JANSE VAN NIEUWENHUIZEN 34795/21

Notes: Summons served in July 2021 – Notice of set down served by affixing at gate where Defendant unknown

Order: Matter postponed sine die for effective service on the Respondent

Adv Roos- wroos@rsabar.com

9. EX PARTE: W J KLEINGELD+1 016686/23

Notes: Voluntary Surrender Application- Name of Applicant not on GG -

Order: Matter to be postponed for GG to be filed

Adv b Lee advblee@msn.com

10. F KOLOKOTO VS RAF 84387/18

Notes: Notice to compel – Is this an Application for Further Particulars? As it is not mentioned and the prayers not specific. Application should be in terms of the Rules of Court. Order can only be granted in terms of Prayer 2

Order: Matter removed from the roll

Adv Morage tebogotmorake@gmail.com

11. BALELE COAL CC VS INGWESOL LTD 23559/22

Notes: Provisional Liquidation Application-

Order: Matter removed from the roll

Adv:Reyneveld martinvr@clubadvocates.co.za

12. EX PARTE: P MASSER+1

016807/23

Notes: Voluntary Surrender -

Order: Draft Order on case line 017-1-017-2 is made an order of court

Adv B Lee blee

13. N I JENGU

VS RAF

28354/19

Notes: Application to compel – an Undertaking as per Mia J's Order

Order: Draft Order on case line L3-L4 is made an order of court

Adv Botha wihanbotha@gmail.com

14. ASSUPOL LIFE

VS NEWLEIGH BUSINESS

24690/22

Notes: Rule 31 (2) Application – There is no proof of service of Notice of set down for 10 July 2023 – Return on Summons served on May 2023 must also state why service was by affixing.

Order: Matter postponed sine die

15. ABSA BANK LTD

VS C Q JORDAAN+1

41811/14

Notes: Rule 46A (9) (e) – Service by affixing at principal gate giving less than 5 days of Notice given to the Respondent.

Order: Service not acceptable, matter postponed sine die for proper service on Respondents.

Adv Amojeeamojee@counsel.co.za

16. R M MANDEYA

VS RAF

52445/20

Notes: Application for interim payment – In terms of the RAF Concession only the negligence is conceded no other aspect of the claim – The interim payment sought is the full amount of the claim and unproven. There is no Affidavit confirming the reasonableness of the claim and that all the costs related to the injuries sustained.

Order: Matter postponed for a loss Affidavit.

Adv Masemola

17. T E YEMANE

VS MIN OF HOME AFFAIRS

62544/21

Notes: NO PRACTICE NOTE

Order: Matter removed from the roll.

18. NEDBANK LTD

VS T D MOTLAUTSI

20401/18

Notes: Default Judgement Application – Personal Service- The annexures to the Default Judgement Application are illegible.

Order: Matter postponed sine die for filing of legible documents

Adv Vermaak carina@bvz.co.za Ad

19. BMW FINANCIAL

VS K E MPHALE

11993/18

Notes: Rule 31 (2) Application

Order: Draft Order on case line 0-4-0-5 is hereby made an order of court

Adv Welgemoed

20. A AYAMI

VS RAF

21688/18

Notes: Application to Compel

Order: Draft Order on case line 0005B-4 0005B-5 to be amended to an order for party and party costs is hereby made an order of court

Adv Hawman rosawa@mweb.co.za

21. E T ZUNGU

VS RAF

77814/17

Notes: Application to Compel the S17 (4) (a) Undertaking

Order: Draft Order on case line L3 –L4 is made an order of court

22. NEDBANK LTD

VS W J MATHEWS

032172/22

Notes: Default Judgment Application- Defendant unknown at place of service – Also when Summons served- There has been no service intended to be effective

Order: Matter postponed sine die for effective service

Adv Latif nlatif@lawcircle.co.za

23. H E DE SWART

VS M P HILLEBRAND

40592/21

Notes: Parties agreed that Draft Order be made an order of court with Respondent agreeing to the punitive costs.

Order: By agreement between the parties the Draft Order marked X is hereby made an order of court.

24. S P ELLIOT

VS D ERASMUS

31688/22

Notes: Application to compel Discovery – Proceeding only with Prayer for costs-
Compliance on 1 March 2023

Order: Draft Order on case line 16-2 made an order of court.

Adv Z Schoeman ziaan@webmail.co.za

25. EX PARTE: J M THOMPSON

000839/23

Notes: Voluntary Surrender – Applicant must file Salary Slip

Order: Matter to be postponed for Applicant to file Salary Slip

Adv Lee advblee@msn.com

26. ABSA BANK LTD

VS L SERITSHANE

62281/15

Notes: Rule 49 (11) Application- Notice to Oppose already filed on 12 July 2022 and 19
December 2022 in the matter and to date No Opposing Affidavit filed – The Notice to
oppose filed on 10 July also with no Opposing Affidavit. Therefore there is no effective
Opposition.

Order: The Draft Order on case line 072- 1-072-2 is made an order of court

Adv Amojee amojee@counsel.co.za

27. B/C OF NEWPORT

VS Q NOMKAYA

30485/22

Notes: Application for Substituted Service

Order: Order for substituted service as per Notice of Motion is granted and also that
the full Application to be published in a local newspaper and to be sent as an
attachment to her cell number.

Adv Schoeman ziaan@webmail.co.za

28. M S DINEKA VS RAF 73911/19

Notes: Application to compel provision of s 17 (4) (a) Undertaking

Order: Draft Order on case line L-1-l-2 is hereby made an order of court

Adv Wihan Botha wihanbotha@gmail.com

29. FNB BANK LTD VS P SELEKE 001213/23

Notes: Default Judgment and Rule 46A Application

Order: The Draft Order on case line H9-H10 with reserve price of 480 000 is hereby made an order of court

Adv Roos wroos@rsabar.com

30. M E DLAMINI VS RAF 5557/17

Notes: Application to strike out

Order: The Draft Order on case line 035 is hereby made an order of court

Adv Sibuyi

31. FNB BANK LTD VS MAMUSE AGENCIES CC+1 65707/20

Notes: Rule 31 (5) Application – Repossession- Service on current occupier

Order: Application is granted in terms of Prayer 1, 2 and 4 of the Notice of Motion

Adv Van Niekerk xavier@advchambers.co.za

32. EX PARTE: J E SOOBRAYAN +1

022728/23

Notes: Rehabilitation Application

Order: The Draft Order on case line 005-3-005-5 is made an order of court

Adv Loibner rploibner@gmail.com

33. RHAM EQUIPMENT VS SUPERIOR LOW SEAM MINING 006223/23

Notes: Application for provisional sequestration - A Candidate Attorney has no right of appearance in the High Court.- According to the Applicant in 2018 already prior to the Application the Respondent was indicated to be unknown at the address on several occasions when attempt to serve was made and the new occupier repeatedly indicating that the company not there at the premises. As a result there has been no effective service as is required. The Nulla Bona return was as a result of a service that was effected at the auditor's offices and the employee that answered the sheriff's questions being an employee of the Auditors. Not that of the Respondent.

Order: The Application is removed from the roll for effective service on the Respondent.

Adv A A R Marques advmarques17@gmail.com

34. SOUTHERN AFRICA LTD VS IMBASA LIFTING LTD

028254/23

Notes: Sequestration Application - Matter of BUBESI INV vs IMBASA LIFTING set down for 14 June 2023; Could not find this matter

Matter settled

Order: Removed, application withdrawn.

35. EX PARTE: C OTTO

028952/23

Notes: Master and Magistrate Certificate not yet available- delayed upload due to electricity cuts

Order: Application granted. Draft Order on case line 07-4-07-6 is made an order of court

Adv Loibner rploibner@gmail.com

36. EX PARTE: K VAN NIEKERK

022780/23

Notes: -Voluntary Sequestration - Papers in order.

Order: Application granted. The Draft Order on case line 07-3-07-4 is hereby made an order of court.

Adv Loibner rploibner@gmail.com

37. FLOORWORX AFRICA

VS

PRECISION FLOORING

022496/23

Notes: Matter to be removed- already disposed

Order: The matter is removed from the roll.

38. NEDBANK LTD

VS

J BRESLAR

14651/18

Notes: Rule 31 (5) Application – Valuations to be confirmed under oath by Valuator – 08-38 and the contents of the document by Jason Smith should also be under oath with invoice or new sale agreement attached as proof thereof and of amount paid.

Order: Matter postponed sine die

Adv Roos wroos@rsabar.com

39. J DE BEER

VS OLD MUTUAL LTD

017458/22

Notes: Seeking Declaratory Order on Pension Funds in compliance with 13.2.2 of Settlement Agreement -

Order: Draft Order on case line 05-1-05-2 is made an order of court

Adv Basson abasson@clubadvocates.co.za

40. NEDBANK LTD

VS T W TSHABALALA

040457/22

Notes: Default Judgement Application – No effective service on the Respondent. The Summons and Default Judgement with Notice of set down to be re served at the Respondent's employment as provided in the Instalment Sale Agreement

Order: Matter postponed sine die

Adv Masemola kmothusimasemola@gmail.com

41. C SCHEEPERS+1

VS J SCHLEBUSCH

010629/23

Notes: Return Date of Rule Nisi (Family Court matter)- Respondent served personally

Order: Draft Order on case line 03-4-03-6 is made an order of court.

Mr Elliot keegan@elliottattorneys.co.za

42. SB GUARANTEE

VS B MASONDO

014860/23

Notes: Rule 31 (2) and Rule 46A Application Order for Substituted service granted

Order: Draft Order on case line 010-5-010-6 is hereby made an order of court

Adv Mogale advmogale@outlook.co.za

43. G E THARAKAN

VS J J THARAKAN

049287/23

Notes: Rule 43

Order: By agreement between the parties the Draft Order marked X is hereby made an order of court.

Adv Venter and Keijser

44. A G BOTHA

VS J BOTHA

034238/23

Notes: Divorce – 1 Minor child - Settlement Agreement endorsed –

Order: The decree of divorce is granted as per Draft Order on case line 05-5-05-6 that is made an order of court

Adv van der Laaser 3403/yolandi@vdla.co.za

45. C L BOTHA

VSJ H BOTHA

020259/23

Notes: Divorce – No minor children

Order: A decree of divorce is granted as per Draft Order on case line 08-1-08-2

Adv Jooste nelissa@gsabar.co.za

**BY THE TIME THIS ROLL WAS FINALISED THE UNDERMENTIONED COURT ONLINE MATTERS
WERE NOT DISPLAYING DOCUMENTS ON CASELINE**

46. H P CHAUKE VS S MTSWENI 029725/23

Notes: No documents displayed

Order: Removed due to the matter not being found on Caseline

47. MANTLE BROTHERS VS LIZARD IMPORTERS 026115/23

Notes: No documents displayed

Order: Removed due to the matter not being found on Caseline

