

## Yvonne Badenhorst

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**From:** Sello Tshetlho <STshetlho@judiciary.org.za>  
**Sent:** Saturday, 22 April 2023 09:56  
**To:** Rector Kganedi; reception@loftusadv.co.za; reinetta@cluadvocates.co.za; jhbbar@law.co.za; jhbbar@law.co.za; viv@jaa.org.za; info; gcb@mweb.co.za  
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**Subject:** Urgent roll and directive  
**Attachments:** URGENT COURT DIRECTIVE E van der Schyff and N Bam.docx; VAN DER SCHYFF J URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 25TH APRIL 2023(main roll).docx

Dear counsel

Kindly receive directive and Roll

Regards  
Sello

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**REPUBLIC OF SOUTH-AFRICA**  
**THE HONOURABLE JUDGE E VAN DER SCHYFF**  
HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION  
P O Box 442, PRETORIA

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TO: ALL PRACTITIONERS

20 April 2023

**IN RE: DIRECTIVE FOR THE URGENT COURT OF 21 APRIL 2023 (16:00)**  
**TO 28 APRIL 2023 (16:00) BEFORE JUDGE VAN DER SCHYFF AND**  
**JUDGE BAM**

1. All applications which have already been enrolled by **12:00 on Thursday, 20 April 2023 (when the roll closed)** are indicated on the roll for Urgent Applications. Separate rolls will later be distributed for Judge Van der Schyff and Judge Bam after the allocation of matters has been finalised. If cases were not ready at the time of filing on Thursday, 20 April 2023, they will not be heard, unless there is good cause or exceptional circumstances are shown. Papers that have not been properly indexed and paginated also run the risk of being struck off the roll.
2. Where a matter is allocated to a specific date and time by the respective judges, an allocation does NOT mean that the matter is sufficiently urgent to be heard on the merits. Judge Van der Schyff's matters will, during ordinary court hours, be heard in open court, unless otherwise communicated. Judge Bam will communicate the preferred mode of hearing in her directive. Applications heard outside of ordinary court hours will be heard either on a virtual platform or in physical court as arranged.
3. **In all matters** (opposed and unopposed) **a Practice Note as well as Heads of Argument** must also be served and filed (**on Caselines only and not to be sent to the Judges' secretary**) by all parties concerned.

4. **Failure to file Practice Note(s) and/or Heads of Argument timeously, will be an indication that there is no appearance for the party concerned and the application may then either be struck off the roll or be dealt with in the absence of such party.**

5. The **practice note** must indicate at least the following (to assist the Judge who will do the allocations and for both judges to be used in their preparation):

5.1 Particulars and **contact details** of the legal practitioners;

5.2 **Nature of the relief sought** (without referring to the notice of motion);

5.3 **A brief summary of the factual as well as legal issues involved;**

5.4 The **main issues** to be considered;

5.5 A **brief summary of the urgency** or absence thereof;

5.6 Whether there was **service by the sheriff**, and if not, why not (unopposed applications);

5.7 Estimated **duration**;

5.8 Whether the matter is **opposed or not**.

**Failure to file a practice note setting out all the above information, par by par individually, may result in the application be struck off the roll and a punitive cost order be granted.**

6. The **Practice Note, or a supplementary Practice Note** must be served and filed (**on Caselines only**) **by no later than Friday 21 April 2023 at 12h00 and the Heads of Argument by no later than Monday 24 April 2023 at 10:00 (on Caselines only)**. The applicant must also set out the reasons, in the Heads of Argument, why the matter is so urgent that it must be heard during the week concerned, by referring to the evidence in the founding affidavit. In unopposed matters the applicant must also indicate, in the practice note, where in the court papers the Sheriff's return of service is to be found.

7. The Practice Directive regarding Urgent Applications (Chapter 13.24) still applies (to opposed and unopposed applications) and the Rules pertaining to

urgency **will be strictly enforced**. Compliance with annexure “A” (13.24), more particularly par [4], subparagraphs (1) to (11) thereof, as referred to in paragraph 11 of Chapter 13.24 of the Practice Manual, will also be strictly enforced. **If a matter is not ready to be adjudicated on the date and the time indicated in the notice of motion (subject to the degrees of urgency) and/or not so urgent as indicated in the Rules and the Practice Directive, it may be struck off the roll in which event a punitive costs order may be made.**

8. Service of process in all urgent applications must comply with the Rules of Court. Deviations will only be condoned if good cause is shown. Where an agreement was reached by the respective parties’ legal representatives to provide for the electronic exchange of papers, this must be specifically stated in the practice note.
9. **All new applications**, during court hours, must first be enrolled through the Registrar of the Urgent Court and brought to the attention of Judge Van der Schyff’s clerk. In this regard the provisions of paragraph 7.1 to 7.4 of Chapter 13.24 of the Practice Manual will apply *mutatis mutandis*. All the provisions regarding the **Practice Note and Heads of Argument** referred to above, will apply *mutatis mutandis* to all new applications. **All Rules and principles regarding urgency will also apply to these applications and will be strictly enforced.**
10. The urgent Court cellular number for Pretoria is: 068 104 7107. The number **is only to be used** outside of ordinary court hours. The number is **not** to be used for general enquiries or for any issue. The phone will only be answered after normal court hours.
11. Filing of papers which were **impossible** to upload on Caselines, must be done via email to the Judges’ clerks, **with an affidavit** explaining what steps were taken to upload, when and by whom the steps were taken and why it was not possible to upload on Caselines. The judge’s clerk must then be informed telephonically that an email has been sent.

**Particulars of the clerk of Judge Van der Schyff are as follows:**

Mr. Sello Tshetlho  
Email: [STshetlho@judiciary.org.za](mailto:STshetlho@judiciary.org.za)  
Cell number: 060 697 7245

**Particulars of Judge Bam's clerk are as follows:**

Ms Thobile Ngcobo

Email: [Tngcobo@judiciary.org.za](mailto:Tngcobo@judiciary.org.za)

Cell Number: 0685494773

12. It should finally be pointed out that there is a growing tendency (especially during the lockdown period and during recess) **to abuse the urgent court in two ways**: **First**, to set matters down which are not ripe for hearing, not being urgent or where self-created urgency is applicable. **This will not be allowed**. **Second, the urgent court is not intended to hear complex factual and/or legal issues** scattered over hundreds of pages and which may take a long time to consider and finalise (when new matters may also be encountered on a daily basis in the urgent court). This will prevent other parties having their matters be adjudicated in time. **Such complex cases may be removed from the roll and the parties may be referred to the Deputy Judge president for a special court to be allocated at some time in future** (cf Practice Manual, annexure "A" to 13.24, par [4] sub par (10) and (11), page H2-141).
13. All practitioners are requested to prepare a **draft court order** and **to upload it onto Caselines**. Hard copies of draft orders must be handed up when matters are called.
14. **Where applications were created on Court online and Caseline file is not populated with the documentation, a hardcopy of the papers filed of record must be delivered to Van der Schyff J's chambers by Friday 21 April 2023 at 11h00 A.M**

E van der Schyff

JUDGE OF THE HIGH COURT, PRETORIA.



OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA

**Urgent Court Registrar:** Gauteng Division of the High Court, Pretoria  
First Floor, Room 1.37  
Cnr Madiba and Paul Kruger street  
Office No: (012) 315 7429 / 012 492 6700

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**URGENT COURT ROLL FOR A WEEK COMMENCING ON THE 25<sup>TH</sup> APRIL 2023**

**JUDGE: VAN DER SCHYFF J (MS)**

**SECRETARY: SELLO TSHETLHO**

**JUDGE: BAM J (MS)**

**SECRETARY: THOBILE NGCOBO**

NUMBERS	PARTIES	CASE NUMBERS	
1.	NKOMO OWEN <b>VS</b> LAMNA FINANCIAL (PTY) LTD PLUS ONE  <i>Matter Not On Caselines</i>	<b>B1869/2023</b>  <b>Van der Schyff J</b>	
2.	MAMABOLO M ATTORNEYS <b>VS</b> MAAKE CLEMENT INCORPORATED PLUS THREE OTHERS	<b>B1821/2023</b>  <b>Van der Schyff J</b>  <b>Wednesday</b> <b>26/4/2023 @ 9h00</b>	
4.	NKONYANA LIZIWE SHEILA <b>VS</b> FIRST RAND BANK LIMITED  <i>Matter Not On Caselines</i>	<b>B1712/2023</b>  <b>Van der Schyff J</b>	
7.	MMUSHI DENIS TERRENCE NKOSI PLUS ONE <b>VS</b> FIRSTRAND BANK LIMITED t/a FIRST NATIONAL BANK PLUS ONE	<b>B1728/2023</b>  <b>Van der Schyff J</b> <b>Wednesday</b> <b>26/4/2023 @ 9h00</b>	
8.	UNCHAINEDYOUTH NPC PLUS TWO OTHERS <b>VS</b> ANTOINETTE NKHENSANE CHAUKE	<b>B1443/2023</b>  <b>Van der Schyff J</b> <b>Wednesday</b> <b>26/4/2023 @ 10h00</b>	

11.	MASHIANOKE KENEILWE TSHWANE <b>VS</b> LANGA MAKHUBALO PLUS THREE OTHERS	2023-023852  Van der Schyff J Tuesday 25/4/2023 @ 10h00	
14.	BUTHELEZI NQOBIZIZWE DANIEL v F.O. ISMAIL TRUST	2023- 029412 Van der Schyff Wednesday 26/4/2023 @ 14h00	
15.	NATIONAL ENERGY REGTOR OFF SOUTH AFRICA <b>VS</b> ESKOM HOLDINGS SOC LTD PLUS ONE	2023-032221  Van der Schyff J Tuesday 25 April 2023 @ 15h00	
17.	KALAVANI MOODLEY PLUS ONE <b>VS</b> DEPARTMENT OF INTERNATIONAL RELATIONS PLUS TWO OTHERS	2023-032980  Van der Schyff J Referred to the Family Court. Contact Judge Tolmay's registrar.	
18.	PROMISE OGOMEGBULEM PLUS SIX <b>VS</b> NATIONAL PROSECUTING AUTHORITY PLUS THREE OTHERS	B1055/2023  Van der Schyff J Wednesday 26/4/2023 @ 9h00	
20.	VERMAAK BEESLAAR PLUS ONE <b>VS</b> MASHOTO JOSEPH MOKONE PLUS TWO OTHERS	2023-033278  Van der Schyff J Wednesday 26/4/2023 @ 11h30	
21.	PRETORIA GARDENS EXT 3 (PTY) LTD <b>VS</b> TSHWANE UNIVERSITY OF TECHNOLOGY	B1916/2023  Van der Schyff J Tuesday 25/4/2023 @ 10h00	
23.	(EX-PARTE) ELIZABETH WILANDA PRINSLOO PLUS ONE	2023-033577  Van der Schyff J Monday 24/4/2023 as arranged	
24.	NEW NHTATHI SECURITY SERVICES(PTY) LTD <b>VS</b> 2 GLOWING SUNSET TRADING 56 CC PLUS TWO OTHERS	2023-033894  Van der Schyff J Monday 24/4/2023 as arranged	
28.	(EX-PARTE) THAMIYANDI EBENEZER	2023-034270  Van der Schyff J Monday 24/4/2023 as arranged	

<b>31.</b>	ROAD ACCIDENT FUND VS WELDERMARIAM HEBORO DELKORO PLUS ONE	<b>79368/2018</b>  <b>Van der Schyff J</b>  <b>Monday 24/4/2023 @ 15h00 or Tuesday 25/4/2023 @ 8h30 as agreed between the parties and communicated to the judge's registrar. If no agreement can be reached, the matter will be heard on Tuesday 25/4/2023 at 8h30</b>	
<b>33.</b>	<b>(EX-PARTE) FAITH DURIE</b>  <b>Matter Not On Caselines</b>	<b>B1982/2023</b>  <b>Van der Schyff J</b>	
<b>36.</b>	THOMAS MASILO MINISTER OF DEPARTMENT OF HOME AFFAIRS PLUS ONE	<b>B1859/2023</b>  <b>Van der Schyff J</b> <b>Wednesday 26/4/2023 @ 14h00</b>	
<b>37</b>	TIGER BUSINESS VS BIDEASY AUCTIONS	<b>2023-036462</b> <b>(COURT ONLINE)</b> <b>Tuesday 25 April 2023 @ 14h00</b>	
<b>38</b>	SAVANNAH COUNTRY ESTATE VS J PHANYANE	<b>2023-036058</b> <b>Friday 21/4/2023 @ 16h30</b>	
<b>39</b>	G PHALATSE + OTHERS v MAHLANGU + OTHERS	<b>B2044/23</b> <b>Friday 21/4/2023</b>	