



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

TO: ALL PRACTITIONERS

02 February 2024

IN RE: DIRECTIVE FOR THE URGENT COURT WEEK 3, TERM 1, 2024
BEFORE VAN DER SCHYFF J

1. The senior judge is Davis J. All applications that have been enrolled by 12:00 on Thursday, 1 February 2024 (when the roll closed) and allocated to Van der Schyff J are indicated on the allocation roll *infra*.
2. If matters were not ripe for hearing when the roll closed, they will not be heard unless there is good cause or exceptional circumstances are shown.
3. Where a matter is allocated to a specific date and time by Van der Schyff J, an allocation does NOT mean that the matter is sufficiently urgent to be heard on the merits.
4. Judge Van der Schyff's matters will, during ordinary court hours, by default, be heard in open court. Applications heard outside of ordinary court hours will be heard either on a virtual platform or in physical court as arranged.
5. **In all matters** (opposed and unopposed) **a Practice Note as well as Heads of Argument** must be served and filed by all parties concerned.
6. **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 either be struck off the roll or be dealt with in the absence of such party.**
7. The **practice note** must indicate at least the following:

- 7.1 Particulars and **contact details** of the legal practitioners;
- 7.2 **Nature of the relief sought** (without referring to the notice of motion);
- 7.3 **A brief summary of the factual as well as legal issues involved;**
- 7.4 The **main issues** to be considered;
- 7.5 A brief summary of the **urgency** or absence thereof;
- 7.6 Whether there was **service by the sheriff**, and if not, why not (unopposed applications);
- 7.7 Estimated **duration**;
- 7.8 Whether the matter is **opposed or not**.
8. The **Practice Note, or a supplementary Practice Note** must be filed **by no later than Friday 02 February 2024 at 12h00 and the Heads of Argument by no later than Monday 05 February 2024 at 10:00**. 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.
9. 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.
10. **All new applications**, during court hours, must first be enrolled through the Registrar of the Urgent Court and brought to the attention of the senior judge's registrar. The senior judge will allocate new applications brought during court hours.

Particulars of the Judge Van der Schyff's registrar are as follows:

Mr. Sello Tshetlho

Email: STshetlho@judiciary.org.za
Cell number: 060 697 7245

11. The Rules pertaining to urgency **will be strictly enforced**. There is a growing tendency **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**
12. **Only where** applications were created on Court Online and the 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 02 February 2024 at 11h00.

E van der Schyff

JUDGE OF THE HIGH COURT, PRETORIA.

DATE AND TIME ALLOCATION

VAN DER SCHYFF J

Week 3, Term 1, 2024

Removals and settlements may be called on Tuesday, 6 February 2024 @ 10h00, irrespective of the allocation below.

	Parties	Case number	Date and Time
2	MATUMONA DILUA-VANGA ANDRE VS SB GUARANTEE COMPANY (RF) PTY LTD PLUS ONE	2023-021184	Thursday 8 February 2024 @ 12h00
5	RFP DISTRIBUTORS (PTY) LTD VS MINNE VAN DER MERWE	2024-003505	Wednesday 7 February 2024 @ 9h00
7	BENITA NOLA GALLANT VS MINISTER OF DEFENCE AND MILITARY VETERANS PLUS SIX OTHERS	2024-006308	Tuesday 6 February 2024 @ 10h00
8	JIN DI PLUS ONE VS THE MINISTER OF HOME AFFAIRS PLUS ONE	2024-007530 No CaseLine's File	Tuesday 6 February 2024 @ 10h00
10	ADRIAAN PIETER BORNMAN VS ANDRIES WILLEM BRINK PLUS TWO OTHERS	2023-093826	Tuesday 6 February 2024 @ 10h00
12	MOHAMMAD AZIZUL HOQUE KHAN VS THE REFUGEE APPEALS AUTHORITY PLUS FIVE OTHERS	2024-007807	Tuesday 6 February 2024 @ 10h00
14	WILLIAM HLUPHEKA MALULEKA VS THE MINISTER OF POLICE PLUS TWO OTHERS	2024-008525	Tuesday 6 February 2024 @ 10h00
16	JESEPH JACOBUS VAN HEERDEN VS MINISTER OF POLICE	2024-008691	Tuesday 6 February 2024 @ 14h00
18	BERNADETTE RUTH JOHNSON VS CITY OF	2024-009081	Tuesday

	TSHWANE METROPOLITAN MUNICIPALITY PLUS ONE		6 February 2024 @ 10h00
22	NKOMU DANIEL MABASO PLUS ONE VS NEDBANK LIMITED	2024-010362	Wednesday 7 February 2024 @ 10h00
23	P2 MINING BRL SPECIAL PURPOSE VEHICLE (PTY) LTD PLUS ONE VS BAUBA A HLABIRWA MINING INVESTMENT (PTY) LTD	2024-010374	Tuesday 6 February 2024 @ 10h00