




IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, JOHANNESBURG

[1]	REPORTABLE: YES
[2]	OF INTEREST TO OTHER JUDGES: NO
[3]	REVISED: YES
	DATE: 28 February 2025

Case Number: 2015 / 38831

In the matter between:

**NALA: DUMISANE SOLOMON**

Plaintiff

and

**ROAD ACCIDENT FUND**

Defendant

*Summary:*

***Application for Postponement from the Bar*** – records of the Defendant indicating that matter was defended previously – postponement required to locate records

***Special Circumstances*** – Defendant having terminated its panel of attorneys and not recovering all documentation

***Request for Postponement at late stage*** – RAF unable to explain why it only became aware of this application at a late stage and seeking postponement at a late stage.

**ORDER OF COURT**

The following order is made:

1. This matter is postponed sine die;
2. Costs are reserved.


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**JUDGMENT**

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**ZUBAIR KHAN AJ**

- [1] The Plaintiff set this matter down to default judgment. At the hearing of this matter, the Defendant sought a postponement on the basis that its records indicates that the matter was previously timeously opposed.
- [2] Counsel for the Defendant indicated that they have not been able to locate the Notice of Intention to Defend but their computer system indicates that their previous panel attorney did defend the matter.
- [3] Defendant is unable to satisfactorily explain why they did not attempt to locate the document when the matter was set down for default judgment and the Notice Served on Defendant.
- [4] Notwithstanding, if there does exist a Notice of Intention to Defend then the Plaintiff would not be entitled to be before this Court. I am unable to determine if there exists a Notice to Defend or Not.
- [5] In the circumstances, it is appropriate that this matter postpones and the issue of costs be held over for future determination.
- [6] In the result the following order is made:
  - 3. This matter is postponed sine die;
  - 4. The costs of this application are reserved.

  
ZUBAIR KHAN  
ACTING JUDGE OF THE HIGH COURT  
GAUTENG DIVISION, JOHANNESBURG

*This judgment was handed down electronically by circulation to the parties' and/or parties' representatives by email and by being uploaded to CaseLines. The date and time for hand-down is deemed to be 12h00 on 28 February 2025.*

**APPEARANCES:**

**COUNSEL FOR THE APPLICANT:**

**TE MORUDU**

**ATTORNEY FOR THE APPLICANT:**

**MOHLATLOLE TP  
ATTORNEYS**

**COUNSEL FOR RESPONDENT:**

**MRS NZANZIYA**

**ATTORNEY FOR THE RESPONDENT:**

**STATE ATTORNEY  
(JOHANNESBURG)**