

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
MONDAY 2nd OCTOBER 2023**

LITIGANTS' ATTENTION IS DRAWN TO THE DIRECTIVE DATED 25 JANUARY 2023 ISSUED BY THE HONOURABLE DEPUTY JUDGE PRESIDENT "POWER SUPPLY TO THE JOHANNESBURG HIGH COURT AND THE RESUMPTION OF PHYSICAL MODE OF HEARINGS AS THE DEFAULT POSITION"

THE DEFAULT MODE OF HEARING OF MATTERS IS IN PHYSICAL COURT

EVEN THOUGH THE DEFAULT MODE OF HEARINGS IS PHYSICAL, JUDGES MAY ELECT TO PROCEED VIRTUALLY

LITIGANTS ARE TO CONFIRM THE MANNER IN WHICH THE HEARING WILL BE CONDUCTED WITH THE SECRETARY OF THE PRESIDING JUDGE

IN VIRTUAL HEARINGS, THE LINK WILL BE CREATED BY THE SECRETARY OF THE PRESIDING JUDGE AND CIRCULATED TO THE LITIGANTS

OPPOSED MOTION

9A BEFORE THE HONOURABLE JUDGE YACOOB J

9B BEFORE THE HONOURABLE JUDGE DOSIO J

9C BEFORE THE HONOURABLE JUDGE LA GRANGE AJ

9D BEFORE THE HONOURABLE JUDGE MOORCROFT AJ

6F BEFORE THE HONOURABLE JUDGE H A VAN DER MERWE AJ

UNOPPOSED MOTION

GC BEFORE THE HONOURABLE JUDGE TWALA J

GD BEFORE THE HONOURABLE JUDGE J STRIJDOM AJ

GE BEFORE THE HONOURABLE JUDGE MAHOMED AJ

URGENT APPLICATIONS

9E BEFORE THE HONOURABLE JUDGE MUDAU J

9F BEFORE THE HONOURABLE JUDGE THUPAATLASE AJ

SPECIAL MOTION

11F BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J
2022-055444

11E BEFORE THE HONOURABLE JUDGE NOKO J
2022/00678

TAX COURT

BEFORE THE HONOURABLE JUDGE VALLY J

FAMILY COURT

11B BEFORE THE HONOURABLE JUDGE MDALANA-MAYISELA J

11C BEFORE THE HONOURABLE JUDGE NKUTHA-NKONTWANA J

SPECIAL INTERLOCUTORY COURT

GB BEFORE THE HONOURABLE JUDGE FISHER J

RAF DEFAULT JUDGMENT COURT

8C BEFORE THE HONOURABLE JUDGE KAIRINOS AJ

8D BEFORE THE HONOURABLE JUDGE C BOTHMA AJ

8E BEFORE THE HONOURABLE JUDGE NOBANGULE AJ

8F BEFORE THE HONOURABLE JUDGE MANAMELA AJ

COMMERCIAL COURT

Offsite facility BEFORE THE HONOURABLE JUDGE WEPENER J
2013/38820

CIVIL TRIALS OF LONG DURATION

8A BEFORE THE HONOURABLE JUDGE MOLELEKI AJ
2020/3186

8B BEFORE THE HONOURABLE JUDGE CAJEE AJ
2017/9407

GENERAL CIVIL TRIALS

6A BEFORE THE HONOURABLE JUDGE WRIGHT J

6B BEFORE THE HONOURABLE JUDGE ADAMS J

6C BEFORE THE HONOURABLE JUDGE SENYATSI J

THE CIVIL TRIAL ROLL BEFORE SUTHERLAND DJP. IN TERMS OF PARAGRAPH 74 OF THE JUDGE PRESIDENT'S DIRECTIVE 02 of 2022 WHICH CAME INTO EFFECT ON 08 JULY 2022 AND WHICH WAS AMENDED ON 02 DECEMBER 2022, THERE SHALL BE NO PHYSICAL TRIAL ROLL. PARTIES MUST COMPLY STRICTLY WITH THE PROVISIONS OF PARAGRAPHS 74 – 88 OF THE ABOVEMENTIONED DIRECTIVE.

**PARTIES SHALL BE NOTIFIED OF ALLOCATIONS
BY EMAIL.**

LITIGANTS ARE REMINDED OF THE DIRECTIVE DATED 25 JANUARY 2023 WHICH SETS OUT THE ARRANGEMENTS REGARDING THE MODE OF HEARING. PLEASE LIAISE WITH THE JUDGE'S SECRETARY TO WHOM THE MATTER IS ALLOCATED

THE DEFAULT MODE OF HEARING OF CIVIL TRIALS IS PHYSICAL COURT.

**DUE DATE TO SUBMIT PRACTICE NOTES:
FRIDAY, 22 SEPTEMBER 2023**

NUMBER ON ROLL	CASE NO	PARTIES	ALLOCATION/ORDER GRANTED
PART A: GENERAL CIVIL TRIALS			
1.	2010/34253	ZWANE PHUMZILE GLADNESS VS ZWANE BEN BAFANA Plaintiff: Adv J Govender Defendant: Adv C Britz Divorce Plaintiff seeks an order that defendant forfeits patrimonial benefits Defendant seeks division of joint estate Pre-trial conference: 20 September 2023 Minutes registered: 21 September 2023 Estimated duration: 3 days	ADAMS J Secretary: Ms G Dlamini Email: GDlamini@judiciary.org.za

2.	2021/7757	<p>KHUMALO PEARL VS DISASO AND VIVIDEND INCOME FUND LTD</p> <p>Plaintiff: Adv M Mataboge Defendant: Adv Z Khan</p> <p>Delict – plaintiff claims in respect of injuries sustained when she fell through a skylight (balcony)</p> <p>Merits</p> <p>Pre-trial conference: 29 May 2023 Minutes registered: 05 July 2023 Estimated duration: 3 – 4 days</p>	<p>MATTER STANDS TO BE ALLOCATED. THE ALLOCATION WILL OCCUR AS SOON AS A JUDGE BECOMES AVAILABLE. THE PARTIES WILL BE NOTIFIED PER E-MAIL WHEN THE ALLOCATION OCCURS</p>
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3.	2018/24109	<p>CANNING DAWNE LOUISE AND OTHERS VS THE CITY OF JOHANNESBURG AND OTHERS</p> <p>Plaintiff: Adv H P van Nieuwenhuizen Defendant: Adv L Mokwena Plaintiff seeks:</p> <ol style="list-style-type: none"> 1. A declaratory order that the complaint (fourth plaintiff lodged a complaint with first defendant in writing as envisaged in terms of s 11(1) of the First Defendant's Debt Collection By-Laws in respect of the accuracy of the increased rates and thus the amount due and payable by the fourth plaintiff to the first defendant in terms of first defendant's tax invoice of 09 May 2017) has not been resolved, alternatively that the complaint had not been resolved by at least 19 June 2018; 2. Reserved costs of the June 2018 urgent application – on 24 October 2017, the plaintiffs obtained an urgent court order against the first defendant in this Court (the interdict application) in terms whereof the first defendant was interdicted from disconnecting or terminating the supply of electricity to the property until such time as the complaint lodged with the first defendant was resolved. On or about 19 June 2018 the plaintiffs obtained a further urgent court order against first defendant (in terms of "the June 2018 urgent application") in the interdict application in terms whereof: <ol style="list-style-type: none"> 2.1 the first defendant was interdicted and restrained from disconnecting or terminating the supply 	<p>MATTER STANDS TO BE ALLOCATED. THE ALLOCATION WILL OCCUR AS SOON AS A JUDGE BECOMES AVAILABLE. THE PARTIES WILL BE NOTIFIED PER E-MAIL WHEN THE ALLOCATION OCCURS</p>
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		<p>of electricity or water to the property;</p> <p>2.2 the aforesaid interdict was to operate as an interim interdict pending the outcome of this action for a declaratory order that the complaint referenced in the original court order had not been resolved;</p> <p>2.3 the costs of the June 2018 application were reserved for determination in the action for declaratory relief;</p> <p>3. payment of an amount based on the <i>condictio sine causa</i> – On or about 12 October 2019 the fourth plaintiff entered into a written sale agreement whereby the property was sold to third parties (the buyers). In order to give effect to the aforesaid written sale agreement and to enable the property to be lawfully transferred from the fourth plaintiff to the buyers:</p> <p>3.1 the fourth plaintiff was obliged to obtain a clearance certificate from the first defendant that there were no outstanding rates and taxes in respect of the property;</p> <p>3.2 the fourth plaintiff accordingly requested the necessary clearance information from and was provided therewith by the first defendant (the clearance information).</p> <p>3.3 Terms of the clearance information an amount of;</p> <p>3.4 An amount was to be paid by no later than 01 March 2020 as a prerequisite for the</p>	
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		<p>first defendant to issue the fourth plaintiff with the necessary clearance certificate (the rates clearance amount), which included an amount, being rates irregularly levied in respect of the property, for the reasons applicable to the declaratory relief that the plaintiffs seek with regards to the complaint (the irregular rates amount);</p> <p>3.5 The fourth plaintiff paid the irregular rates amount under protest and accordingly has been impoverished whilst the first defendant has been enriched at the former's expense in the sum of the irregular rates amount, <i>sine causa</i>.</p> <p>Estimated duration: 2 – 3 days</p>	
4.	2021/5818	<p>RASHID SULIMAN VS MONAGAREN SHANNON NAICK AND LALITHA NAICK</p> <p>Plaintiff: Adv D Block Defendant: Adv L Pilusa</p> <p>Plaintiff is claiming monetary damages from the defendants as a result of a dog attack incident that occurred on 03 November 2019</p> <p>Merits</p> <p>Pre-trial conference: 08 August 2023</p> <p>Minutes registered: 04 September 2023</p> <p>Estimated duration: 4 – 5 days</p>	<p>WRIGHT J</p> <p>Secretary: Ms M Vukeya</p> <p>Email: MVukeya@judiciary.org.za</p>

5.	2021/20205	<p>DISEKO DERICK KHOMO VS CITY JOHANNESBURG</p> <p>Plaintiff: Adv V W Rikhotso</p> <p>Claim for damages suffered as a result of injuries sustained by plaintiff after the parking gate at the defendant's premises came off its rail and fell on him</p> <p>Merits</p> <p>Estimated duration: 1 – 2 days</p>	Matter is removed from the trial roll by notice
6.	2019/33514	<p>PIETER EDWARD ADAMS AND OTHER VS MICHELLE BENEKE</p>	Plaintiff withdrew the action against the defendant and plaintiffs tender payment of an agreed amount of R5 500.00 as contribution towards the defendant's costs as per notice filed on 23 August 2023
7.	2020/26052	<p>MATLAISANE CECILIA VS CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY</p> <p>Plaintiff: Mr H Schouten</p> <p>Delictual damages</p> <p>Merits and quantum</p> <p>Matter is settled</p>	<p>SENYATSI J</p> <p>Secretary: Ms N Khulu</p> <p>Email: NKhulu@judiciary.org.za</p>
8.	2016/42211	<p>MONTEREY BODY CORPORATE VS BILA ANANIAS MOISES</p>	Matter is removed from the trial roll by notice
9.	2020/41796	<p>MCCARTHY PTY LIMITED VS LAUREN BARBARA OLINSKY</p> <p>Plaintiff: Adv J Kaplan</p> <p>Defendant: Adv W Shapiro SC and Adv I Veerasamy</p> <p>Whether or not defendant made a fraudulent misrepresentation to plaintiff and if so, whether plaintiff has suffered damages in the amount claimed alternatively, whether or not defendant is liable to plaintiff in terms of s 424(1) of the Companies Act 61 of 1973 for the carrying on of the business of Cancom (Pty) Ltd in a fraudulent manner</p> <p>Estimated duration: 4 – 5 days</p> <p>Pre-trial conference: 20 April 2022</p>	<p>SENYATSI J</p> <p>Secretary: Ms N Khulu</p> <p>Email: NKhulu@judiciary.org.za</p>

10.	2021/6322	PIETER HENDRIK STRYDOM N.O HAROON ABDOOL SATAR MOOSA AND OTHER VS SEAN BURTON FRASER- BOTHMA Plaintiff: Adv H R Fourie SC and Adv S Venter Defendant: Adv J W Steyn Claim against the defendant by the plaintiffs is for the setting aside of dispositions in terms of s 29 of the Insolvency Act 24 of 1936 Estimated duration: 10 minutes Pre-trial conference: 07 February 2022 Matter is settled	SENYATSI J Secretary: Ms N Khulu Email: NKhulu@judiciary.org.za

PART B: ROAD ACCIDENT FUND

11.	2020/3186	KAROLIA SHAAKIRA VS ROAD ACCIDENT FUND	Trial of Long Duration allocated to MOLELEKI AJ

MATTERS REMOVED FROM THE ROLL BY NOTICE

MATTERS NOT ON THE ROLL, COURT FILES ARE NOT WITH ROLL CALLING JUDGE

1. The civil trial roll is submitted to the Office of the Deputy Judge President by the Registrar approximately nine (09) court days before the trial date and was correct when it reached the Secretary of the Deputy Judge President.
2. The roll received from the registrar's office is then posted on the website of the Johannesburg Society of Advocates approximately five (05) court days before the trial date, where litigants may inspect the roll.
3. The failure of the registrar to include matters on the roll must be taken up with the Registrar by no later than five (05) court days before the trial date. For that purpose, kindly approach the registrar, Ms T. Khumalo (TKhumalo@judiciary.org.za / 010 494 8397) timeously to enquire about the enrolment.
4. If the **registrar** approves the enrolment, the matter may be enrolled and dealt with. If the registrar declines the enrolment, the parties may apply for a new trial date in terms of the existing Practice Directives.
5. Last-minute enquiries will not be accommodated.

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