



OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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POLOKWANE
0700
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25 January 2021

JUDGE PRESIDENT'S DIRECTIVE NO 01/2021

LIMPOPO DIVISION OF THE HIGH COURT, POLOKWANE

TO: ALL LEGAL PRACTITIONERS

ALL REGISTRARS

RE: PROBLEMS ENCOUNTERED IN THE UNOPPOSED MOTION COURT

1. The standard of practice in the Unopposed Motion Court is going down day by day.

During the past week, Motion Court of 19th and 21st January 2021, I have come to realise that legal practitioners are simply not serious about their matters in Court.

2. Despite numerous previous practice directives issued to legal practitioners, the Court files are still not in order at the date of hearing of the matters.

The files are not properly indexed and paginated or at all.

3. The most common problems experienced in almost each and every Default Judgment and Summary Judgment applications are the following:



- 3.1. Outdated Certificates of Balances (This Court has previously issued practice directive in terms whereof it was directed that Certificates of Balance are not to be older than three months).
- 3.2. Lapsed National Credit Act Registration Certificates.
- 3.3. Electronic Communications and Transactions Act 36 of 2005, affidavits are not filed.
- 3.4. Stale Service of Summons, especially when it is a default judgment application, without a notice of set down having been served.
- 3.5. Sheriff's Returns of Service are not filed.

4. The most common problems experienced in Winding-up and Liquidation Applications are:

Where a provisional order was granted, non-compliance with the provisional Court order on the return date resulting in the return date being extended unnecessary.

5. On the 19 January 2021 there were 58 matters on the roll in the unopposed motion Court.

Only 14 matters / files were in order. The other matters (44) had queries or outstanding documentation and thus removed or struck from the roll or postponed *sine die*.

6. Legal Practitioners should ensure that a proper case should have been made in the papers before the matter is even presented before a Judge.



There is no reason for any documents to be handed up in Court in unopposed motion Court except in exceptional circumstances.

7. In order to limit the risk of Covid-19 spreading in Court and putting all stakeholders at risk, Draft Orders in all unopposed matters should be filed simultaneously when the indexing and pagination is done. The Draft Orders can then be amended in Court depending on the change of circumstances.

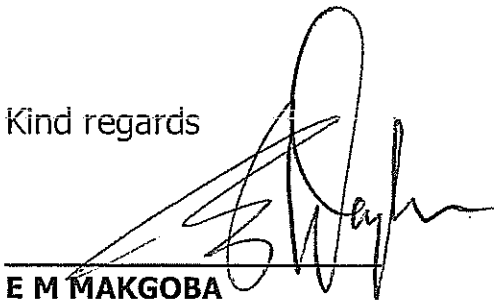
This will also afford the Presiding Judge the opportunity to peruse and consider the Draft Orders before making same order of Court.

8. You will no doubt appreciate that the striking or removal of matters from the roll will result in a huge backlog of cases.

9. Legal Practitioners are therefore called upon to comply with the Court rules and Practice Directives to ensure the smooth running and finalisation of Court matters. Needless to say that the Presiding Judges will strictly enforce these directives.

I trust that you will find the above in order and I look forward to your co-operation in this regard.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION





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18 February 2021

JUDGE PRESIDENT'S DIRECTIVE NO 02/2021

**TO: ALL LEGAL PRACTITIONERS
ALL REGISTRARS**

RE: RULE 37 OF THE UNIFORM RULES OF COURT

1. The Office of the Judge President is inundated with a lot of correspondence from legal practitioners wherein they complain that their colleagues do not co-operate when requested to hold pre-trial conferences in terms of Rule 37 of the Uniform Rules of Court.
2. This state of affairs is unfortunate and undesirable as it delays the case flow management process and the ultimate hearing of matters on trial.
3. Uniform Rule 37 and the related provisions of the Practice Manual and Directives require of the parties to constructively engage with each other in pre-trial proceedings to narrow the issues that remain in dispute.

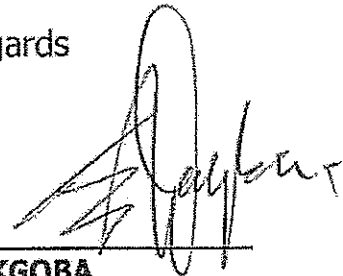


4. I accordingly give a directive that should a matter come before Court on trial without pre-trial minutes having filed, the presiding Judge shall order the parties to hold the pre-trial conference there and then before the trial proceeds.

In that event an appropriate costs order shall be made against the defaulting party.

I trust that all legal practitioners will comply with this simple Rule 37 regarding attendance of pre-trial conference.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION





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MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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02 March 2021

JUDGE PRESIDENT'S DIRECTIVE NO 03/2021

TO: ALL LEGAL PRACTITIONERS

REGISTRARS AT LIMPOPO DIVISION, POLOKWANE

LIMPOPO LOCAL DIVISION, THOHOYANDOU

RE: CIVIL TRIALS

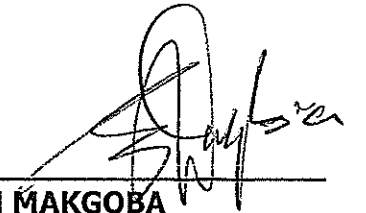
1. I have noticed that most of the civil cases, in particular the non-RAF cases which are put on the roll for hearing on Mondays are not proceeding to trial but either removed from the roll or postponed *sine die*.
2. This is so because such matters had been placed on the trial roll when they are not trial ready.
3. I hereby direct that all non-RAF matters shall be subjected to a judicial pre-trial conference in terms of Rule 37(8) and no matters will be placed on the roll unless same have been certified trial ready.

This directive shall operate with **immediate effect** and all matters that have already been placed on the roll shall be subjected to the judicial pre-trial conference a week before the trial date on the following Monday.



4. The RAF matters are excluded from the judicial pre-trial conference due to the fact that there are no opposing parties at the trial.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION





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MR JUSTICE E.M MAKGOBA

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08 March 2021

JUDGE PRESIDENT'S DIRECTIVE

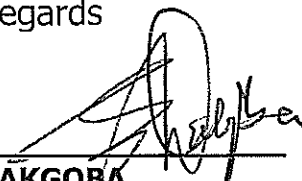
TO: **ALL JUDGES**

ALL REGISTRARS

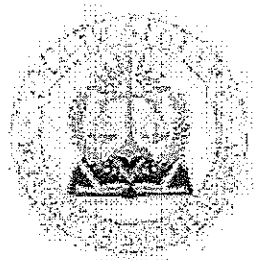
LIMPOPO LOCAL DIVISION, THOHOYANDOU

1. I am aware that Mr **R D Gadabeni** has been appearing in Court pending the outcome of his application for leave to appeal against the order of his suspension.
2. The Supreme Court of Appeal has dismissed his application for leave to appeal on 11 February 2021.
Herewith the appropriate Court Order.
3. In the circumstances Mr **R D Gadabeni** is disqualified from appearing in our Courts.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION



SUPREME COURT OF APPEAL OF SOUTH AFRICA

CASE NO: 867/20
LP CASE NO: 5909/20

BEFORE THE HONOURABLE JUSTICES WALLIS JA AND POYO-DLWATI AJA

On the 11th FEBRUARY 2021

In the application between:

REMBULUWANI DOLBY GADABENI

Applicant

and

LIMPOPO PROVINCIAL COUNCIL

Respondent

Having considered the Notice of Motion and the other documents filed.

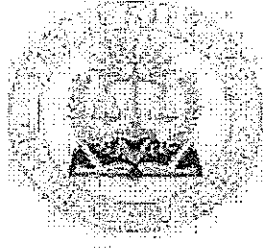
IT IS ORDERED THAT:

- 1. Condonation as applied for is granted. The applicant for condonation is to pay the costs of the application.**
- 2. The application for leave to appeal is dismissed with costs on the grounds that there is no reasonable prospect of success in an appeal and there is no other compelling reason why an appeal should be heard.**

BY ORDER OF THIS COURT

COURT REGISTRAR
PSW MYBURGH (Mr)

REGISTRAR OF THE SUPREME COURT OF APPEAL 2021-02-23 2021-02-23 SCA-001



Supreme Court of Appeal, Registrar's Office • PO Box 258, Bloemfontein, 9300 • c/o Elizabeth- &
President Brand Street, Bloemfontein •
Tel (051) 4127 400 • Fax (051) 4127 449 • www.supremecourtofappeal.gov.za

Enquiries: Mr Myburgh

Date: 23 FEBRUARY 2021

Ref: 867/20

YOUR REF: L Venter/csl/FFL2069

Symington & De Kok Attorneys
P O Box 12012
BRANDHOF
9324

YOUR REF: PRA2/0002/JLR/B Strydom

Phatshoane Henney Attorneys
P O Box 153
BLOEMFONTEIN
9332

Mr/Ms

**APPLICATION FOR LEAVE TO APPEAL
R D GADABENI v LIMPOPO PROVINCIAL COUNCIL**

With reference to the application lodged in this office on 16 OCTOBER 2020 this Court ordered on 11 FEBRUARY 2021 that the application be dismissed as per attached order:-

Yours faithfully

PSW MYBURGH (Mr)
REGISTRAR

REGISTERED POST (H/B/D/O)

YOUR REF: 5909/20 Naude AJ (Court a quo)

Registrar of the High Court
Private Bag X 9693
POLOKWANE
0700

Copy for your information.



OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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07 April 2021

JUDGE PRESIDENT'S DIRECTIVE NO 04/2021

- TO: 1. **ALL LEGAL PRACTITIONERS**
2. **LEGAL PRACTICE COUNCIL, LIMPOPO**
3. **POLOKWANE SOCIETY OF ADVOCATES**
4. **REGISTRARS**

RE: RULE 43 APPLICATIONS IN DIVORCE MATTERS

1. The Rule 43 Applications are occupying a great part of our unopposed Motion Court Roll on Tuesdays and Thursdays. The applications need to be streamlined in order to ensure the quick finalisation thereof.
2. All Rule 43 applications are to be enrolled on Tuesday and Thursday of each week during the term. All matters are to be set down seven (7) Court days prior to the hearing date. The roll shall comprise of a maximum of two (2) opposed Rule 43 applications and three (3) unopposed Rule 43 applications. Matters are to be set down firstly, on a Tuesday and only once the maximum number per day has been reached, may matters be set down on a Thursday of that week.



3. Under no circumstances shall Rule 43 applications be enrolled on the Urgent Applications Roll on Tuesdays and Thursdays, or any other day for that matter.
4. Every Rule 43 application set down for hearing shall be paginated, indexed and be accompanied by a Practice Note. The opposing party's legal representative shall serve and file the opposing/ answering affidavit by not later than 13h00 five (5) Court days preceding the hearing of the application. Such opposing affidavit shall be accompanied by the party's Practice Note.
5. The Practice Note must set out the following information:
 - 5.1. Whether the matter is opposed or unopposed;
 - 5.2. Expected duration of the matter;
 - 5.3. The name, telephone number (including cell-phone number) and email address of the legal practitioner for each party, if known.
 - 5.4. A comparative table of no more than 2 pages setting out the relief sought by each party in respect of maintenance and / or care and contact with minor children;
 - 5.5. The comparative table shall indicate items of relief which are agreed or common cause and items of relief that are in dispute.



6. A FINANCIAL DISCLOSURE FORM ("FDF") annexed hereto as "FDF1" must be completed under oath, together with the supporting documentation referred to in FDF1 by each party in an opposed Rule 43 application in which maintenance or proprietary relief is in dispute.

Each party must index and paginate his/her duly completed FDF with supporting documents.

7. The Applicant and Respondent must exchange (*inter partes*) their respective FDFs no later than 5 days after the Respondent has delivered his / her opposing affidavit.

8. Each party must place his or her PDF in the Court file simultaneously with the filing of his / her Practice Note. The FDF documents must be paginated and incorporated in a separate bundle.

9. The Judge hearing the Rule 43 application will determine whether or not further affidavits in terms of Rule 43 (5) are necessary.

10. Where a party fails to deliver his / her FDF within the stipulated period, the complying party may bring application, on notice, to the defaulting party that on the date set out therein, (which shall be at least 5 days from such notice) he or she will apply for an order that the defaulting party deliver his or her FDF within 5 days of such order, failing which the complying party may, on the same papers duly supplemented, apply for the defaulting party's claim or defence

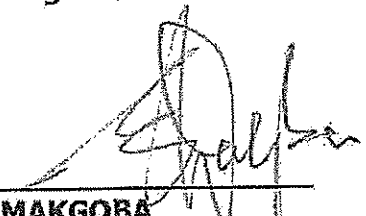


to be struck out. These applications will be set down in the Court dealing with Rule 43 applications and be regarded as either opposed or unopposed Rule 43 matter.

11. The above provisions relating to Rule 43 applications shall constitute the amendment of our Practice Manual and shall accordingly be inserted in the Practice Manual. The amendment shall operate with immediate effect, that is with effect from 7 April 2021.

12. For better understanding of the principles relating to Rule 43 disclosure form requirements read the Full Bench decision of the Gauteng Division in **E v. E; R v. R; M v. M 2019 (5) SA 566 (GJ) [2019] 3 ALL SA 513 (GJ)**.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION
Date: 7 April 2021



"FDF 1"

FINANCIAL DISCLOSURE FORM

Case no:

The Parties

The Applicant	and	The Respondent
---------------	-----	----------------

Party making financial disclosure: _____

- ☐ Please fill in this form fully and accurately. Where any box is not applicable, write "N/A".
- ☐ You have a duty to the court to give a full, frank and clear disclosure of all your financial and other relevant circumstances.
- ☐ A failure to give full and accurate disclosure may result in an adverse court order.
- If you are found to have been deliberately untruthful, criminal proceedings may be brought against you for perjury and/ or fraud.*
- ☐ The information given in this form must be confirmed under oath or affirmation. Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified under oath or affirmation.
- ☐ You must attach documents to the form where they are specifically sought and you may attach other documents where it is necessary to explain or clarify any of the information you give.
- ☐ Essential documents that must accompany this statement are detailed in the form.
- ☐ If there is not enough room on the form for any particular piece of information, you may continue on an attached sheet of paper.

If you are in doubt about how to complete any part of this form you should seek legal advice.

This statement is
filed by

Name and address of attorney
(if represented)

1. GENERAL INFORMATION

- 1.1 Full name _____
- 1.2 Date of birth (DD/MM/YYYY): _____
- 1.3 Residential Address: _____
- 1.4 Identity and/or passport number: _____
- 1.5 Date of marriage (DD/MM/YYYY): _____
- 1.6 Type of Marriage (Civil/Civil Union/Customary/Muslim): _____
- 1.7 Matrimonial Property Regime (tick appropriate):

In community of property	Out of community of property (excluding accrual system)	Out of community of property (including accrual system)	Other (Specify):
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- 1.8 Occupation _____
- 1.9 Date of separation _____
- 1.10 Date of issue of summons: _____
- 1.11 Details of any children of the family

	FULL NAMES	DATE OF BIRTH DD/MM/YYYY			WITH WHOM DOES THE CHILDREN LIVE?
1					
2					
3					
4					
5					
6					

- 1.12 Details of any other pending or finalised court cases between you and your spouse, whether in relation to money, property, children or anything else.

	CASE NO	COURT	TYPE OF PROCEEDINGS
1			
2			
3			
4			

2. FINANCIAL DETAILS

PART 1: IMMOVABLE PROPERTY AND PERSONAL ASSETS

- 2.1 Complete this section in respect of the family home (the last family) home occupied by you and your spouse). If it remains unsold.

Documentation required for attachment to this section:

- a) A copy of any valuation of the property obtained within the last six months (eg. Estate agent, municipal or online Lightstone valuation)
- b) A recent home loan statement confirming the sum outstanding on each mortgage registered over the property

Property address (including Erf no:)

Mortgage company/Bank name(s) and account number(s) or Certificate to Occupy

Details of who owns the property and the extent of your legal and beneficial interest in it

Current market value of the property

Balance(s) outstanding on any mortgage(s)

Who pays the mortgage bond instalments, and in what proportions?

Total equity in the property

TOTAL value of your interest in this property:

TOTAL A: R

- 2.2 Details of your interest in any other property, land or buildings. Complete one page for each property you have an interest in

Documentation required for attachment to this section:

- a) A copy of any valuation of the property obtained within the last six months (eg. Estate agent, municipal or online Lightstone valuation)
- b) A recent home loan/bond statement confirming the sum outstanding on each mortgage

Property address (including Erf no)

Mortgage company/Bank name(s) and account number(s) or Certificate to Occupy

Details of who owns the property and the extent of your legal and beneficial interest in it _____

Current market value of the property _____

Balance(s) outstanding on any mortgage(s) _____

Who pays the mortgage bond instalments, and in what proportions? _____

Estimate the costs associated with sale (Eg. Estate agent commission, compliance certificates, transfer costs) _____

Total equity in the property _____

TOTAL value of your interest in the family home:

TOTAL B: R _____

- 2.3** Details of all personal bank accounts that you hold or have held at any time in the last twelve months and which are or were either in your own name or in which you have had any interest. This applies whether any such account is in credit or in debit. If the account is overdrawn, show a minus figure.

Documentation required for attachment to this section:
For each account listed, all statements covering the last 6 months

	NAME OF BANK	TYPE OF ACCOUNT (E.G. CURRENT)	ACCOUNT NUMBER	BALANCE AT THE DATE OF THIS STATEMENT
1				
2				
3				
4				
5				

TOTAL value of your interest in ALL accounts (C1): R _____

- 2.4** Details of all investments, including shares, investments (other than already shown above) bonds, unit trusts, other investments, and other quoted securities that you hold or have an interest in. (Do not include dividend income as this will be dealt with separately later on.)

Documentation required for attachment to this section:
Latest statement relating to each investment.

	NAME	TYPE OF INVESTMENT	SIZE OF HOLDING	INVESTMENT NUMBER	CURRENT VALUE
1					
2					
3					
4					

5					
6					
7					
8					

TOTAL value of your interest in ALL investments (C2): R _____

- 2.5 Details of all life insurance and endowment policies that you hold or have an interest in. Include those that do not have a surrender value.

Documentation required for attachment to this section:
A surrender valuation of each policy that has a surrender value and/or a full policy schedule from your broker.

	NAME	TYPE OF POLICY	POLICY NUMBER	CURRENT SURRENDER VALUE	CURRENT BENEFICIARIES
1					
2					
3					
4					
5					

TOTAL value of your interest in ALL policies (C3): R _____

- 2.6 Details of all monies that are OWED TO YOU in excess of R2 000,00. Do not include sums owed by way of loan account in your business, but do include loan accounts in Trusts.

	BRIEF DESCRIPTION OF MONEY OWED AND BY WHOM	BALANCE OUTSTANDING
1		
2		
3		
4		

TOTAL value of your interest in ALL Debts owed TO you (C4): R _____

- 2.7 Details of all cash sums held in excess of R2 000,00. You must state where it is held and the currency it is held in (eg. US\$ 500 in safe at home).

	WHERE HELD	TOTAL AMOUNT	CURRENCY	TOTAL CURRENT VALUE OF YOUR INTEREST
1				
2				
3				
4				

TOTAL value of your interest in ALL cash sums (C5): R _____

- 2.8 Details of personal belongings individually worth more than R5 000,00.

INCLUDE:

- ☐ Vehicles (trade value)
- ☐ Collections, pictures and jewellery
- ☐ Furniture and house contents (present market value, not replacement costs)

	BRIEF DESCRIPTION OF ITEM	TOTAL CURRENT VALUE OF YOUR INTEREST
1		
2		
3		
4		
	TOTAL value of your interest in ALL personal belongings (C6)	R
	Add together all the figures in boxes C1 to C6 to give the TOTAL current value of your interest in personal assets: TOTAL C	R

2 FINANCIAL DETAILS

PART 2: CAPITAL - LIABILITIES

2.9 Details of any liabilities you have.

EXCLUDE liabilities already shown such as:

- ☐ Mortgage/home loans
- ☐ Any overdrawn bank accounts

INCLUDE:

- ☐ Money owed on credit cards and store cards
- ☐ Bank loans
- ☐ Hire purchase/finance agreements eg. On vehicles

List all credit and store cards held including those with a nil or positive balance.

	Liability (eg. Edgars, Nedbank etc)	Type of credit (eg. Store card, credit card)	Total current value of your interest in the liability
1			
2			
3			
4			
5			
6			

TOTAL D: R _____

2 FINANCIAL DETAILS

PART 3: CAPITAL - BUSINESS ASSETS AND DIRECTORSHIPS

2.10 Details of all your business interests. Complete one page for each business you have an interest in.

Documentation required for attachment to this section:

- a) Copies of the business accounts (annual financial statements) for the last two financial years
- b) Any documentation, if available at this stage, upon which you have based your estimate of the current value of your interest in this business, for example a letter from an accountant nor a formal valuation. It is not essential to obtain a formal valuation at this stage.

Name and brief description of the business	
Are you (please tick appropriate box)	<input type="checkbox"/> Sole trader/partner <input type="checkbox"/> Member in a close corporation <input type="checkbox"/> Shareholder in a limited company
If you are a partner or a shareholder, state the extent of your interest in the business (i.e. partnership or the extent of your shareholding compared to the overall shares issued)	
Total amount of any sums owed to you by the business by way of a director's loan account, partnership capital or current accounts or the like. Identify where these appear in the business accounts.	
Your estimate of the current value of <u>your</u> interest in the business. Explain briefly the basis upon which you have reached that figure	
TOTAL value of all YOUR interests in business assets:	<div style="display: flex; justify-content: space-between;"> TOTALE R </div>

2 FINANCIAL DETAILS

PART: 4 CAPITAL - PENSION INTERESTS

2.11 Give details of all your interests, including retirement annuities, pension funds, preservation funds. Complete a section for each pension interest, and add additional pages if necessary.

Documentation required for attachment to this section:

- a) A recent statement showing the cash equivalent provided by the trustees or managers of each pension arrangement, alternatively, the value as prescribed in terms of the Divorce Act.
- b) If a valuation is not available, give the estimated date when it will be available and attach a copy of your letter to the pension fund or administrators from whom the information was sought.

PENSION INTEREST 1

Name of pension interest

Policy number of pension interest

Type of scheme

Date the pension was calculated

PENSION INTEREST 2

Name of pension interest

Policy number of pension interest

Type of income

Date the pension was calculated

PENSION INTEREST 3

Name of pension interest

Policy number of pension interest

Type of scheme

Date the pension was calculated

PENSION INTEREST 4

Name of pension interest

Policy number of pension interest

Type of scheme _____

Date the pension was calculated _____

TOTAL value of all YOUR pension interests:

TOTAL F

R _____

2 FINANCIAL DETAILS

PART 5: CAPITAL - OTHER ASSETS

2.12 Give details of any other assets not listed above.

INCLUDE (the following list is not exhaustive):

- ☐ Any personal or business assets not yet disclosed
- ☐ Share option or incentive schemes (whether or not your shares have vested)
- ☐ Business expansion schemes
- ☐ Futures
- ☐ Commodities
- ☐ Any asset not disclosed elsewhere on this form even if held outside of South Africa

You are reminded of your obligations to disclose ALL your financial assets and interests of ANY nature.

	TYPE OF ASSET	VALUE	TOTAL NET VALUE OF YOUR INTEREST
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

TOTAL value of ALL your other assets:

TOTAL G R _____

2.13 Are you a founder, trustee or beneficiary of any Trust? If so, please give the name, and IT number, and capacity in which you act.

	NAME	IT NUMBER	CAPACITY
1			
2			
3			
4			
5			
6			

2. FINANCIAL DETAILS

PART 6: INCOME - EARNED INCOME FROM EMPLOYMENT

2.14 Details of earned income from employment. Complete one page for each employment.

Documentation required for attachment to this section:

- c) IRP5 for the last financial year
- d) Your last three payslips

Name of Employer _____

Address of Employer _____

Job Title _____

Gross income for last financial year as shown
on your IRP5 _____

Net income for last financial year i.e. gross
income less income tax and UIF (do not deduct
pension contributions) _____

Details and value of any bonuses or other
occasional payments that you have received
from your employer over the past 24 months,
if not reflected in your gross and net income
above _____

Details and values of any benefits in kind,
perks or other remuneration received from
The employer (eg. Provision of a car, travel
payments, accommodation, meal expenses) _____

Your estimate of your net income from this
employer for the next 12 months _____

Estimated total of ALL net earned income
from all employment TOTAL (H) R _____

2. FINANCIAL DETAILS

PART 7: INCOME FROM INVESTMENTS E.G. DIVIDENDS, INTEREST OR RENTAL INCOME

- 2.15 You will have already given details of your business and provided the last two years accounts above. Complete this section giving details of your income from your business. Complete one page for each business.

Documentation required for attachment to this section:

- a) A copy of your last tax assessment or, if that is not available, a letter from your accountant confirming your tax liability
- b) If net income from the last financial year and estimated net income for the next 12 months is significantly different, a copy of management accounts for the period since your last account

Name of the business _____

Date to which your last account were completed _____

Your share of gross business profit from the last completed accounts _____

Tax payable on your share of gross business profit above _____

Net income for that year (using the two figures directly above, gross business profits less tax payable) _____

Details and value of any dividends, benefits in kind, perks or other remuneration received from this business in the last year
e.g. provision of a car, payment of travel, accommodation, meal expenses, etc. _____

Amount of any regular monthly or other drawings that you take from this business _____

If the estimated figure directly below is different from the net income as at the end date of the last completed accounts, briefly explain the reason(s) _____

Your estimate of your net annual income for the next 12 months _____

Estimated TOTAL of ALL net income from self-Employment or partnership for the next 12 months: TOTAL I R _____

2. FINANCIAL DETAILS

PART 8: INCOME FROM SELF-EMPLOYMENT, PARTNERSHIP OR OTHER ASSETS/INVESTMENTS

- 2.16 Details of income received in the last financial year, and your estimate of your income for the current financial year. Indicate whether the income was paid gross or net of income tax. You are not required to calculate any tax payable that may arise.

	NATURE OF INCOME AND THE ASSET FROM WHICH IT DERIVED	PAID GROSS OR NET	INCOME RECEIVED IN THE LAST FINANCIAL YEAR	ESTIMATED INCOME FOR THE NEXT 12 MONTHS
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Estimated TOTAL investment income for the next 12 months: TOTAL J R _____

2. FINANCIAL DETAILS

PART 9: INCOME FROM STATE BENEFITS (INCLUDING STATE PENSION, CHILD OR DISABILITY BENEFIT)

- 2.17 Details of all state benefits that you are currently receiving.

	NAME OF BENEFIT	AMOUNT PAID	FREQUENCY OF PAYMENT	ESTIMATED INCOME FOR THE NEXT 12 MONTHS
1				
2				
3				
4				
5				

Estimated TOTAL benefit income for the next 12 months:
TOTAL K R _____

2 FINANCIAL DETAILS

PART 10: ANY OTHER INCOME (INCLUDING LIVING ANNUITIES)

2.18 Details of any other income not disclosed above.

INCLUDE:

- ☐ Any source including a Pension OR Living Annuity
- ☐ From which income has been received during the last 12 months (even if has not ceased)
- ☐ From which income is likely to be received during the next 12 months

	NATURE OF INCOME	PAID GROSS OR NET	INCOME RECEIVED IN THE LAST FINANCIAL YEAR	ESTIMATED INCOME FOR THE NEXT 12 MONTHS
1				
2				
3				
4				
5				
6				

Estimated TOTAL other income for the next 12 months: TOTAL L R _____

2. FINANCIAL DETAILS SUMMARIES

2.19 Summary of your capital

Description	Reference of the section on this statement	Value
Current value of your interest in the family home	A	
Current value of interest in all other property	B	
Current value of your interest in personal assets	C	
Current value of your interests in business assets	E	
Current value of your pension interests	F	
Current value of all your other assets	G	
Total value of your assets (Totals A+B+C+E+F+G)		R
Current value of your liabilities	D	

Value of your assets LESS the value of your liabilities (Totals A+B+C+E+F+G-D)	R
---	---

2.20 Summary of your income

Description	Reference of the section on this statement	Value
Estimated net total of income from employment	H	
Estimated net total of income from self-employment or partnership	I	
Estimated net total of investment income	J	
Estimated state benefits	K	
Estimated net total of all other income	L	

Estimated TOTAL income

(TOTALS H to L)

R _____

3 MAINTENANCE REQUIREMENTS

- 3.1 Maintenance needs for yourself and for any children living with you or provide for by you. All figures should monthly (not annual, termly or weekly) You *must* not use a combination of these periods. General household expenses should appear on in the "total" column whereas expenses specific to you or your children (example school fees) should appear in the appropriate column as well as in the total column)

EXPENDITURE	Self	Child/ren	Total
Lodging (bond repayment, levy, rental, board)			
Food, Groceries & Cleaning Materials)			
Toiletries			
Baby Food			
House Expenditure: Rates			
Water			
Electricity / Gas / Paraffin			
Insurance (Householders)			
Insurance (House Owners)			
Laundry / Dry Cleaning			
Lunches			
Telephone and ADSL			
Cell Phone			
Domestic Worker			
Gardener			
Plants			
Fresh Flowers			
Swimming Pool and Chemicals & Maintenance			
Clothing: Clothing and Shoes			
School Uniforms			

Sporting Clothing			
Personal Care: Hair Care (cuts, colours and treatment)			
Cosmetics and Make-up			
Transport: Car: Instalments			
Maintenance (services, tyres, Brake pads, etc)			
Fuel			
Licenses			
Insurance			
Taxi			
Parking (incl. parking attendants)			
Other			
Educational Expenses: School Fees			
After School Fees			
Au Pair / Tutor			
Creche / Day Care			
Books			
Stationery			
Outings			
Sports			
Extramurals			
Other Educational Expenditure			
Medical Expenditure: Medical Aid			
Doctor / Dentist / etc. (excess)			
Medication (excess)			
Hospital			

Other Medical Expenditure				
Insurance:	Life			
Retirement Annuity				
Other Policies				
Pocket Money / Allowances				
Holidays				
House Maintenance (plumber, handyman, electrician, painter)				
Repair & Replacement of items: Household Appliances				
Kitchenware				
Linen, Towels, etc				
Other items				
M-Net / DSTV				
Entertainment & Recreation				
Personal Loans				
Security Alarm System				
Membership Fees				
Religious Contributions				
Charities				
Gifts				
TV Licence				
Reading Material:	Books			
Newspapers				
Periodicals / Magazines				
Instalments for Credit / HP Agreements (Furniture and Appliances)				

Pets:	Food			
	Vet			
	Other (not specified)			
	TOTAL EXPENDITURE			

4 OTHER INFORMATION

3.2 Details of any significant changes in your assets or income.

At both section 4.1.1 and 4.1.2, INCLUDE:

- ☐ ALL assets held both within and outside South Africa
- ☐ The disposal of any asset

4.1.1 Significant changes in assets or income during the LAST 12 months.

4.1.2 Significant changes in assets or income likely to occur during the NEXT 12 months.

4.2 Brief details of the standard of living enjoyed by you and your spouse during the marriage. Include details of the types of vehicles you both drive, if any, the destinations of your last three family holidays, how often you eat out at restaurants, which shops you buy your groceries at, etc.

- 3.3 Are there any particular contributions to the family property and assets or outgoings, or to family life, or the welfare of the family that have been made by you, your partner or anyone else that you think should be taken into account? If there are any such items, briefly describe the contribution and state the amount, when it was made and by whom.

INCLUDE:

- ☐ Contributions already made
- ☐ Contributions that will be made in the foreseeable future

- 3.4 Bad behaviour or conduct by the other party will only be taken into account in the most exceptional circumstances. If you feel it should be taken into account in your case, identify the nature of the behaviour or conduct below.

- 3.5 Give details of any other circumstances that you consider could significantly affect this matter.

INCLUDE (the following list is not exhaustive):

- ☐ Earning capacity, or limits thereon
- ☐ Disability
- ☐ Inheritance prospects
- ☐ Retrenchment
- ☐ Retirement
- ☐ Any agreement made between you and your spouse before or after your marriage, stating whether or not you rely upon the agreement giving your reasons
- ☐ Any plans to marry, form a civil union or live with a new life partner
- ☐ Any contingent liabilities

Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document under oath or affirmation

8. My Lord, the particulars are in accordance with the papers before court.

9. I beg leave to hand it up.

10. Where do you currently reside?

11. Do you regard Limpopo as your permanent place of residence?

Need not lead your witness in respect of maintenance. It is not in your particulars of claim only in prayers or in your settlement agreement.

12. _____ Children were born out of the marriage aged _____ ☒ Is that correct? ☐

15. What arrangements were made in respect of the daily care of the children?
16. Under the circumstances is that the best possible arrangement that you could make?
17. Are you and the Defendant still living together?
18. For how long has that been the case?
19. Why do you want a divorce?
20. Is there any possibility of saving the marriage?
21. You and Defendant have concluded a settlement agreement. Is that correct?
22. The document now shown to you, is it your settlement agreement?
23. Can you confirm that the signatures at the end of the document and at the end of each page thereof

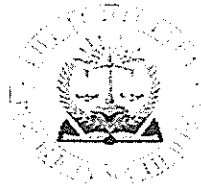
are the signatures of the Defendant and yourself respectively?

24. My Lord, there is further nothing contentious.

25. If the court is satisfied I ask for a decree of divorce incorporating the settlement agreement.

If NO Settlement Agreement: ASK for PRAYERS 1 & 2 etc.

If NO Kids: 'No Children were born out of the marriage.'



OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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20 July 2021

JUDGE PRESIDENT'S PRACTICE DIRECTIVES

TO: 1. ALL LEGAL PRACTITIONERS

2. REGISTRARS

RE: RULE 41A OF THE UNIFORM RULES OF COURT

1. The provisions of Rule 41A regarding mediation has been in operation for a year by now. It is noted that legal practitioners still do not comply with the Rule when instituting proceedings (actions and motions).
2. I hereby make an appeal to all legal practitioners to comply with the Rule when they issue the proceedings. Henceforth the Registrar will decline to issue the Court process unless the Rule has been complied with.
3. With effect from the 1st of September 2021, the Court will decline to hear the matter but strike same from the roll where the Rule has not been complied with.

Kind regards

E.M MAKGOBA
JUDGE PRESIDENT OF THE HIGH COURT,
LIMPOPO DIVISION





OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

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25 JUNE 2021

JUDGE PRESIDENT'S NOTICE TO ALL LEGAL PRACTITIONERS

1. FAILURE TO FURNISH MEDICAL REPORTS BY HOSPITALS

- 1.1. You might have noticed that over a period of time our Unopposed Motion Court roll has become congested with "Applications to Compel" the MEC for Health or Hospitals to furnish medical reports and hospital / clinical records.

Such Court applications are a sequel to the Department of Health's failure to furnish the requested medical records in time or at all.

Your clients are being prejudiced in this regard.

- 1.2. In an effort to assist the legal practitioners and prevent the congestion of the Court roll, on the 15 June 2021 I held a meeting with the HOD, Department of Health, Limpopo together with other five Senior Officers of the Department wherein this problem was discussed and hopefully resolved.
- 1.3. The Department of Health has agreed and undertook to centralise the furnishing of medical reports. Measures are being put in place where in future legal practitioners will direct



their requests for medical reports to a central place at the Head Office. The HOD will then see to it that the requested medical reports are obtained from a particular hospital and thereafter furnished to legal practitioners.

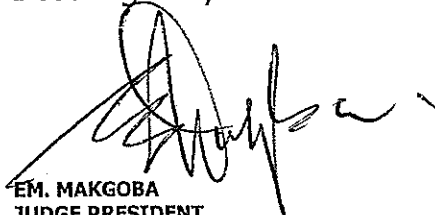
- 1.4. I shall in due course communicate with you to furnish you with further particulars regarding the proposed centralisation of the requests for medical reports as soon as the said office has been established. Hopefully these measures will spare you the trouble of having to communicate with various hospitals in Limpopo Province.

2. LOSS OF COURT FILES

I regret to note that the problem regarding the loss of Court files is escalating. The problem lies with the Registrars as well as the Legal Practitioners. More often than not some legal practitioners fail to return the Court files after making copies of contents or paginating the Court file.

Legal Practitioners are requested to desist from taking the Court files to their offices or leaving them in the Attorneys Lounge on the 4th Floor of the High Court building.

Best regards,



**EM. MAKGOBA
JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION, POLOKWANE**





OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

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15 JULY 2021

JUDGE PRESIDENT'S CIRCULAR
TO: LEGAL PRACTITIONERS
ALL REGISTRARS

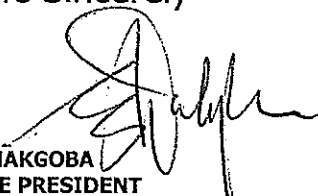
RE: RESCHEDULING OF THE UNOPPOSED ROLL HEARING DATES

This circular is pursuant to my Practice Directive No. 6 of 2022 dated 02 June 2022 resulting in the removal of the Rule 31(5) applications pertaining to the National Credit Act 34 of 2005, save in those special cases involving residential property (i.e. where Rule 46 is applicable).

Legal Practitioners are advised that the dates of hearing the unopposed matters as set down are rescheduled as per the attached Annexures.

Please identify your matters from the lists and diarise them accordingly.

Yours Sincerely


EM. MAKGOBA
JUDGE PRESIDENT
HIGH COURT OF SOUTH AFRICA
LIMPOPO DIVISION





OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

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20 July 2021

JUDGE PRESIDENT'S PRACTICE DIRECTIVES

- TO: 1. ALL LEGAL PRACTITIONERS**
2. REGISTRARS
3. JUDGES' SECRETARIES

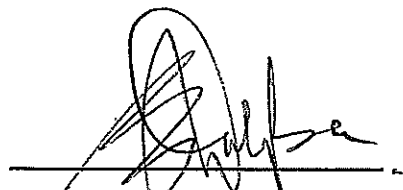
RE: VIRTUAL HEARINGS

I hereby publish the directives and guidelines for virtual hearings in the Limpopo Division, Polokwane and Limpopo Local Division, Thohoyandou for your information.

Kindly note that the virtual hearings are not compulsory but will be implemented at the choice or prerogative of a particular Judge and by agreement with the legal representatives of the parties.

I trust that you will find all in order.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH COURT,
LIMPOPO DIVISION



REPUBLIC OF SOUTH AFRICA

**VIRTUAL HEARINGS DIRECTIVES AND GUIDELINES FOR THE
HIGH COURT LIMPOPO DIVISION**

1. These directives and guidelines set out how, and under what conditions, all matters enrolled shall be undertaken during the lockdown period. The purpose of these directives is eliminate or minimize physical contact among persons.
2. Matters on paper (Appeals and Applications) shall not, except where directed otherwise by the Judge/s seized with the matter, enjoy an oral hearing in open Court. Submissions may be advanced via email or oral hearings may be dealt with via online where the parties wish to be heard orally, in accordance with ad hoc directives issued by the Judge/s which are appropriate to the circumstances.
3. Matters that require evidence to be adduced shall not, in general, be conducted in open Court, and the Judge/s seized with the matter shall exercise a discretion about an appropriate mode of hearing, which may include receiving evidence on affidavit and the utilisation of online hearing, and if otherwise unavoidable, the convening of a physical hearing.
4. The Judge/s seized with the matter in which online hearing is used shall exercise a discretion as to any responsibility to set this up as well as the liability for costs implications of such utilisation.

URGENT COURT

5. The urgent court shall operate as follows:

- 5.1. Conduct hearings online via Zoom, MS Team or any other reliable electronic means.
- 5.2. Only where it is impossible to arrange online hearing, the Judge/s seized with the matter may direct a hearing in which the representatives of the parties may physically appear.
- 5.3. Urgent applications shall be heard on Tuesdays at 10h00
- 5.4. Should the matter be so urgent that it will not wait to be heard the following Tuesday, it may be enrolled to be heard on any day of the week, and the person applying for such urgent relief shall communicate with the urgent Judge secretary before filing any papers to determine when the Judge on duty will be available to hear the matter.
- 5.5. Service of processes in all urgent matters shall comply with the rules of Court. Where agreement can be reached by the representatives of all the parties to vary the requirements of the rules to facilitate a wholly electronic exchange of papers, condonation shall be granted *ipso facto*.
- 5.6. The roll for urgent applications to be heard on a Tuesday shall close on Thursday at 12h00.
- 5.7. The applicant shall unless the Judge/s seized with the matter directs otherwise, organise the online hearing and shall send a link to all the interested parties.
- 5.8. The order and judgment shall be communicated to the parties by email by the allocated Judge/s.

OPPOSED MOTION COURT

6. The opposed motion court shall operate as follows:
 - 6.1. Conduct hearings online via Zoom, MS Team or any other reliable electronic means.
 - 6.2. The Judge/s to whom a matter is allocated shall, not later than 5 days before the week in which the matter is set down, notify the parties

that he/she is seized with the matter and all further communication about the matter shall be directly, by email only to the email address stipulated by that Judge/s.

- 6.3. If both parties agree, an opposed motion may be removed from the roll. There shall be no costs order for removal of the matter.
- 6.4. The parties shall endeavour to agree about whether the matter may be disposed of without oral argument; if agreed, counsel for any party who wishes to supplement the papers with additional written submissions must do so in a practice note sent by email to the email address designated by the Judge/s secretary, by not later than Friday before the week in which the matter is set down.
- 6.5. If no agreement is reached about forgoing oral argument, that must be communicated to the Judge/s in a practice note sent by email, not later than noon on the Friday before the week in which the matter is set down, and a hearing shall take place as directed by the Judge/s seized with the matter, which may include one or more of the following options:
 - 6.5.1. An online hearing may be convened where this option is chosen, the applicant shall unless the allocated Judge/s directs otherwise, undertake to organise the setting up of the online hearing, and shall send a link to all the parties and Judge/s involved at a time allocated by a Judge/s.
 - 6.5.2. A physical court hearing, if the circumstances so require.
 - 6.5.3. Any other procedure or technique that may afford an elimination or limitation of the risk of physical proximity among the people involved.
- 6.6. If in the opinion of the Judge/s seized with the matter that there is any issue that needs clarity in a case where the parties have agreed to dispose of the matter without oral arguments, the Judge/s may at any time before delivery of the judgment request the parties to file supplementary heads of argument on that specific issue.
- 6.7. Any queries by any party must be made by email only and addressed to the Presiding Judge/s via the Judge/s secretary and copies sent to the other parties.

- 6.8. In those cases where a party appears in person:
- 6.8.1. That litigant shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual courtroom. A notice to that effect shall be posted in the foyer of the Court.
 - 6.8.2. Or, where such a litigant's contact details are known, the secretary of the Judge/s shall endeavour to make contact to communicate the relevant information. Where such litigant has personal access to online facilities, a link may be set up accordingly, if the Judge/s so directs.
- 6.9. The applicant remains *dominus litis* and is ultimately responsible for the efficient disposal of the application. Where the applicant is unrepresented, the respondent shall assume the responsibility.
- 6.10. The order and judgment shall be communicated to the parties by email by the allocated Judge/s.

THE UNOPPOSED MOTION COURT

7. The unopposed motion court shall operate as follows:
- 7.1. Conduct hearings online via Zoom, MS Team platform or any other reliable electronic means.
 - 7.2. Only where it is impossible to arrange online hearing, the Judge seized with the matter may direct a hearing in which the representative of the parties may physically appear.
 - 7.3. When the matter is not ripe for disposal, the parties may remove the matter from the roll by notice.
 - 7.4. If an applicant wishes to contribute any written submissions about the unopposed matter, such written contribution should be included with a practice note sent by email to the email address stipulated by the Judge.
 - 7.5. If the applicant takes the view that an oral submission is necessary, that view must be stated in a practice note sent by email to the email

address stipulated by the Judge, whereupon the Judge shall issue an ad hoc directive as to the holding of the online hearing.

- 7.6. The practice note must give an address and cell phone number of the counsel moving the matter to enable the Judge to make contact about the online hearing, and also to facilitate the prospects of the Judge having a query that might need to be addressed to the counsel for input.
- 7.7. A respondent who despite been late to file opposing papers, but wishes to oppose the granting of the order, must communicate that fact by email to the secretary of the allocated Judge and to the applicant and otherwise comply with this directive.
- 7.8. A respondent who appears in person and who goes to the Court building shall make his or her presence and intention known to the Registrar, and a notice to this effect shall be placed on the foyer notices board, indicating the court official who is to be approached. Counsel or attorney for an applicant must at once when it becomes known that there is opposition, regardless of its merits, communicate that fact to the allocated Judge.
- 7.9. The customary draft orders (including counsel's email address and cell phone number) in word format must be sent by email to the secretary of the allocated Judge by not later than the Friday before the week in which the matter is set down.
- 7.10. The Judge shall either refuse the order, or grant it in part or whole or grant any other order as is deemed appropriate.
- 7.11. Copies of signed orders shall be sent to the parties by email on the email address furnished on the draft order.
- 7.12. The original of the order shall be sent to the Registrar whilst one copy shall be retained by the Judge.

CIVIL TRIALS

THE CIVIL TRIAL ROLL CALL

8. There shall be no physical civil trial roll call. Instead the following procedure shall apply:

PRACTICE NOTE REQUIRED

- 8.1. The parties shall submit joint practice note after a special pre-trial conference at which the logistics of conducting the trial are addressed. If a plaintiff cannot obtain cooperation from the defendant, the plaintiff must submit its own practice note and explain why a joint practice note was impossible to be composed. Lack of cooperation by either party shall attract punitive costs orders by the Court.
- 8.2. The practice note must reach the secretary of the ADJP or secretary of the Judge allocated for that purpose by not later than 11h00 two court days before the set down. If no practice note is timeously received, the matter shall automatically be removed. If the practice note is non-compliant with the practice manual or directive, the matter shall be automatically removed. This directive shall be strictly applied.
- 8.3. The practice note must in addition to the information required in terms of the practice manual, contain the names, email addresses and cell phone numbers of all counsel. Counsel must hold themselves ready to receive communication from the Judge or Judge's secretary during the two days until set down date.

SETTLED MATTERS

- 8.4. Matters that are settled shall be made orders as part of the civil roll call. The settlement must be accompanied by a deed of settlement, draft order in word format and joint memorandum of settlement which must be sent by email to the Judge's secretary. The orders will be

transmitted to the parties by the Judge or their secretaries allocated to the matters.

- 8.5. In matters where settlement negotiations are still ongoing, the matter will be stood down to the settlement roll. If on the date of the settlement roll the matter is still not settled, the matter will be removed from the roll and the plaintiff can apply for another date of hearing.
- 8.6. In respect of any matter which had become settled, and in which it is necessary to adduce evidence to establish a quantum of damages, the relevant evidence must be contained in an affidavit and annexed together with the draft order in word format, to the practice note. If the Judge deems it necessary, counsel shall be contacted to procure further submissions. An order in respect thereof shall be made and transmitted by email to the parties.

MATTERS READY TO GO TO TRIAL

- 8.7. All matters in which the parties are ready and wish to proceed to trial, the parties must indicate in the practice note:
 - 8.7.1. What arrangements they have put in place to facilitate the hosting of an online hearing for the disposal of the matter.
 - 8.7.2. What evidence can be adduced on affidavit.
 - 8.7.3. To what extent a physical hearing is unavoidable.
- 8.8. The Judge allocated to deal with the matter shall communicate via email, or otherwise, with counsel and, having regard to the arrangements the parties have made or are capable of making, exercise a discretion as to how the matter is to be disposed of and shall give ad hoc directives. Counsel must keep themselves available to be contacted. Such directives, without limiting the scope of the discretion being exercised, may include:
 - 8.8.1. The admission of evidence remotely using online hearing techniques;
 - 8.8.2. Physical hearing for all or part of the evidence;
 - 8.8.3. Admitting evidence by affidavit;

- 8.8.4. Any other procedure or technique that may afford an elimination or limitation of the risk of physical proximity among the persons involved.
- 8.8.5. Conduct hearings online via Zoom, MS Team or any other reliable electronic means.

MATTERS NOT RIPE TO GO FOR TRIAL

- 8.9. No matter of any kind will be stood down until later in the day or week where the matter is not ready for trial, they shall be removed from the roll. Should the matter be later settled, it should not be re-enrolled in the trial roll, but should be enrolled in the settlement roll.
- 8.10. Where the only issue outstanding is liability for costs, such question shall be reserved for decision at a later date and shall not be dealt with as part of the civil trial roll process.
- 8.11. The allocations shall be published by email to the professional bodies and to the parties' attorneys at the email address given in the practice note.

LITIGANTS APPEARING IN PERSON

- 8.12. In those cases where a party appears in person:
 - 8.12.1. And goes to the Court building, that litigant shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual courtroom, or otherwise assist as directed by the Judge seized with the matter. A notice to this effect that shall be posted in the foyer of the Court.
 - 8.12.2. And if such litigant's contact details are known, the secretary of the Judge to whom the matter is allocated shall endeavour to make contact to communicate the relevant information. Where such litigant has personal access to online

hearing facilities, the necessary link may set up accordingly, if the Judge so directs

REMOVAL OF MATTERS BY PARTIES BEFORE DUE DATE

- 8.13. If the parties to any matter agree not to deal with the matter under these conditions, the parties must, to enable the Civil Registrar to compose the roll, at least 5 clear court days before the trial set-down date, formally remove the matter from the roll and email a copy thereof to the Civil Registrar. No costs orders shall be made for removal of the matter.

APPEALS

9. All appeals set down shall be disposed of without an oral hearing in open court, pursuant to section 19(a) of the Superior Courts Act, and the Court shall rely on the heads of argument filed; subject to the following:
- 9.1. If both parties agree, an appeal may be removed from the roll. There shall be no costs order.
- 9.2. If counsel for any party wishes to supplement the papers with additional submissions, they must be made in a practice note sent by email to the secretary of the presiding Senior Judge at least two days before the date of the set down.
- 9.3. If counsel for any party wishes to make oral submissions, that wish must be stated in the practice note and the broad ambit thereof be stated.
- 9.4. The presiding Judge/s shall exercise a discretion as to the disposal of the matter and may issue ad hoc directives which may include, inter alia, one or more of these options:
- 9.4.1. A hearing using online techniques; where the option is chosen, the appellant shall, unless otherwise directed by the presiding

Judge/s, undertake to organise the setting up of online hearing as host, and shall send a link to all parties involved for a meeting at a time and date stipulated by the presiding Judge/s. Conduct hearings via Zoom, MS Team or any other reliable electronic means.

9.4.2. After the end of the lockdown period, a physical court hearing, if appropriate in the circumstances.

9.4.3. Any other procedure or technique that may afford an elimination or limitation of risk of physical proximity among the people involved, including, e.g., interrogatives sent to the parties by email or other means.

9.5. Any queries by a party must be made by email only and addressed to the presiding Judge/s via the Judge/s secretary and copies sent to the other parties.

9.6. The appellant remains *dominus litis* and is ultimately responsible for the efficient disposal of the appeal.

9.7. The order and judgment shall be communicated to the parties by email by the presiding Senior Judge.

APPLICATIONS FOR LEAVE TO APPEAL

10. All applications for leave to appeal shall be initiated by an email to the Registrar and copied to the secretary of the presiding Judge.

11. The presiding Judge shall exercise a discretion about an appropriate mode of hearing to address the application.

BAIL APPEALS

12. A bail appeal shall after consultation with the Director of Public Prosecutions, be initiated by email to the Registrar.

13. The Director of Public Prosecutions shall liaise with the Registrar and ADJP or a Judge assigned for that purpose concerning the allocation of a Judge to hear the matter.
14. The allocated Judge shall exercise a discretion about an appropriate mode of hearing to address the application.

DIVORCES

15. Uncontested divorces shall continue to be dealt with in the unopposed motion court.
16. If the divorce does not involve minor children, it must be dealt with by adducing evidence on affidavit and no party shall testify in person, save where the Judge orders otherwise.
17. A practice note must be submitted with the set down notice which must include:
 - 17.1. Submissions, if any, by counsel for the party;
 - 17.2. A request, if any, to make oral submissions;
 - 17.3. An affidavit setting out the relevant evidence;
 - 17.4. A certified copy of the marriage certificate with an affidavit from the counsel stating that the original was examined and it is true copy;
 - 17.5. And a draft order in word format which must contain the name, email and cell phone details of counsel.
18. All matters that do involve minor children, must be dealt with by adducing evidence on affidavit and no party shall testify in person, save where the Judge orders otherwise.
19. A practice note must be submitted with the set down notice which must include:
 - 19.1. Submissions, if any, by counsel for the party;
 - 19.2. A request, if any, to make oral submissions;
 - 19.3. An affidavit setting out the relevant evidence, which evidence must address in detail the arrangements contemplated for the minor children and the views of the Family Advocate, if any;

- 19.4. A certified copy of the settlement agreement;
 - 19.5. A certified copy of the marriage certificate with an affidavit from counsel stating that the original was examined and it is a true copy;
 - 19.6. And a draft order in word format containing the name, email and cell phone details of counsel.
20. In both categories where they do involve or do not involve minor children, counsel must keep themselves available to be contacted on the date of the set down by email or cell phone.
21. In both categories where they do involve or do not involve the minor children, where the filing of the practice note with the set down is not possible, the practice note may be submitted at any time before or on the date of the set down.
22. In both categories the matters may be disposed of at the discretion of the allocated Judge, in respect which ad hoc directives may be issued, which include:
- 22.1. Disposal without a hearing;
 - 22.2. Disposal during online hearing which either party may host;
 - 22.3. Disposal at a physical traditional hearing.
23. Unopposed divorces in which the party appears in person shall be disposed of at the discretion of the allocated Judge, in respect of which ad hoc directives may be issued, which may include:
- 23.1. Disposal of the matter during online hearing; which will be conducted via Zoom, MS Team or any other reliable electronic means.
 - 23.2. Disposal at a physical traditional hearing.
24. In those cases where an unrepresented party:
- 24.1. Goes to Court building, that party shall approach the designated official at the Court building who shall render assistance to that litigant through the use of the virtual courtroom. A notice to this effect shall be posted in the foyer of the court.
 - 24.2. Can be contacted because the relevant contact details are known, the secretary of the Judge shall endeavour to make contact to communicate the relevant information concerning the hearing.
 - 24.3. Has personal access to online facilities, an appropriate link may be set up accordingly, as the Judge directs.

ETIQUETTE FOR ONLINE HEARINGS

25. The judge or persons appearing on online hearings shall wear formal attire or be robed.
26. Participants shall ensure that there is no ambient noise in the room which can interfere with the audio quality during the hearing.
27. In general, subject to any ad hoc directives given by the Judge, the participants shall mute their microphones when not actually speaking.
28. The Judge shall invite participants to speak and everyone shall be alerted to the Judge's directions in this regard.
29. Participants shall remain in the hearing and leave it only when the proceedings have concluded.
30. The Judge shall give instructions as to the recordings of the proceedings;
 - 30.1. Where a party is responsible thereof, an audio file shall immediately, at the close of the proceedings be sent to the Judge at a stipulated email address for retention by the Judge until such time as the Registrar can take custody thereof.
 - 30.2. If the Judge or the Judge's secretary or a stenographer records the proceedings, the Judge shall retain the audio file, until such time as the Registrar can take custody thereof.

ADMISSIONS OF LEGAL PRACTITIONERS

31. Admissions of legal practitioners shall continue to be dealt with on Fridays together with appeals.
32. The application must be served at the Legal Practice Counsel (LPC), and the LPC if it wishes to contribute to the application must do so not later than three days before the date of hearing.
33. Admissions applications shall otherwise be disposed of in the same manner as set out in paragraphs 7.4 to 7.6 above.

34. Counsel moving the matter must furnish an affidavit by email to the Senior Judge seized with the roll of admissions or Judge's secretary that he or she has examined the original documents relating to the degrees conferred on the candidate for admission and verifies that they appear to be authentic.
35. The senior Judge seized with the roll of admissions shall give directions on the manner of hearing; in the absence of an ad hoc directive:
- 35.1. The Senior Judge or Judge's secretary shall host the online hearing and send a link to an email address stipulated by counsel moving the application; that counsel must invite the candidate for admission to join.
- 35.2. The oath of office shall be administered during the hearing.
- 35.3. The oath of office form shall thereafter be emailed to counsel moving the application who must cause the candidate for admission to sign it, scan it, and then transmit the scanned document to the secretary of the Senior Judge who shall oversee its completion
- 35.4. A hard copy of the oath of office form shall be sent to the LPC and an email copy sent to the counsel who moved the application.
- 35.5. The certificate issued by the Registrar shall be available for upliftment at the Registrar's office.
- 35.6. All enquiries relating to admissions must be directed to the Registrar by email.

PARTICIPANTS

36. At the commencement of the hearing, the legal practitioner(s) for each of the parties will place themselves on record and, provide the court with their respective LPC practice numbers should the Court request same.
37. All the participants are to ensure the proper functioning of the facilities, viz. the audio and camera prior to the commencement of the proceedings.
38. The plaintiff or applicant shall be responsible for the recording of the proceedings. [NB: This need not include the video but include the audio record proceedings.] The responsible party must be prepared to share the

recording capabilities with the court or the Judge should they be so requested.

39. No other person may record the proceedings without prior permission of the presiding Judge.
40. All legal practitioners are to join the hearing promptly 15 (fifteen) minutes before the scheduled commencement time.
41. The participants in the trial proceedings are to provide a list of all persons who are present with them during the hearing. The list to be provided to the Judges secretary by email by no later than 15 (fifteen) minutes before the commencement of the trial.
42. The witnesses are not allowed to view the trial proceedings by any means whilst waiting for their turn to testify.
43. The parties are to ensure that their trial bundle are filed by no later than Friday of the preceding set down date of indexing and pagination of the court file. This bundle should be clearly marked, indexed and paginated.
44. Witnesses must be suitably dressed for the court hearing.

VISUAL AND AUDIO

45. During motion hearings, only the Judge and the presenting legal practitioner will be visible to attendees.
46. Legal practitioners must ensure that their camera is level with their faces and that their screens are upright so that they do not appear to be looking up or down, or leaning back and away from the screen, which shows the ceiling or the upper part of the wall. Legal practitioners should position themselves so that viewers will see at least a head and shoulders picture filling the centre of the screen.
47. During trials the whole room must be visible to the judge and audio should at all times be on. The parties may elect one of the following options:
 - 47.1. All the parties and witnesses to be in one room, a video showing all or at the very least the party leading evidence including the legal practitioners, witnesses and translator, and audio to be on throughout.



OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

Private Bag X 9693
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Polokwane, 0899

Telephone number: (015) 230 4050
Fax: 086 476 2842
E-mail: KMoabelo@judiciary.org.za

JUDGE PRESIDENT'S NOTICE

TO: 1. ALL LEGAL PRACTITIONERS
2. REGISTRARS

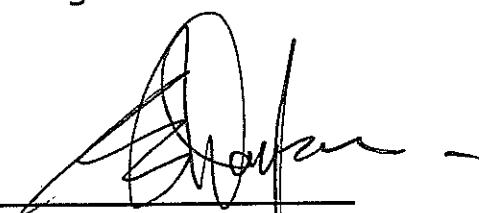
RE: REQUEST FOR PREFERENTIAL DATES OF HEARING

1. The Office of the Judge President is inundated with a lot of correspondence from legal practitioners requesting for preferential dates of hearing in Opposed Motion matters and trial matters.
2. I wish to bring it to your notice that our ordinary trial roll is full upto October 2022 and the special trial roll is full upto February 2023. The opposed Motion roll is full upto August 2022.
3. My Division is facing a serious shortage of Judges given the heavy load of cases in this Division. Much as we sympathise with you and are trying our best to serve the public, we cannot take it further than what we are doing at present.



4. As long as the Department of Justice and Correctional Services does not revise the judicial establishment of Limpopo Division of the High Court, to provide for more Judges' posts, I am afraid we shall have to live with this continuous problem.
5. I trust, regrettable so, that you will take notice of our predicament.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION
28 September 2021



OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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JUDGE PRESIDENT'S NOTICE

TO: 1. **ALL LEGAL PRACTITIONERS**
2. **THE DIRECTOR – PROVINCIAL PRACTICE COUNCIL**

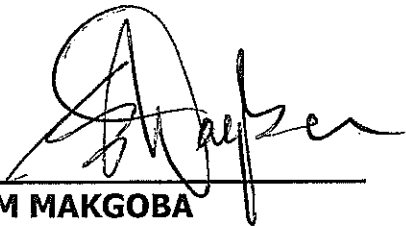
RE: REQUESTS FOR MEDICAL REPORTS OR RECORDS FROM HOSPITALS

1. On the 25 June 2021 I communicated with you regarding the above issue. I informed you that the Department of Health, Limpopo has agreed and undertook to put in place measures for the centralisation of the request and furnishing of medical reports or records.
2. The Department of Health has now established a central office where legal practitioners can direct their requests for medical reports.
3. I forward to you herewith a letter from the Head of Department of Health, Limpopo furnishing the particulars of such a central office and also setting out further requirements expected from legal practitioners.



4. I trust that you will make use of the facilities offered to you and that in future we shall avoid the many "Applications to Compel" which are clogging our Unopposed Motion Court Roll.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION
29 September 2021



LIMPOPO

PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF HEALTH

Ref : 6/3/3/3
Enq : Ms Mohlaka RM
Tel : 015 293 6018
Email : Mamaila.Mohlaka@dhsd.limpopo.gov.za

JUDGE PRESIDENT MAKGOBA
LIMPOPO DIVISION OF THE HIGH COURT
POLOKWANE

RE: REPORT ON MEASURES TAKEN BY THE LIMPOPO DEPARTMENT OF HEALTH TO ADDRESS THE CHALLENGES POSED BY REQUESTS FOR ACCESS TO INFORMATION MADE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000

1. The meeting request from the Judge President and the subsequent meeting with the Department representatives have reference.
2. The purpose of this report is to update the Judge President on the measures taken by the Limpopo Department of Health to address challenges posed by requests for access to information made in terms of the Promotion of Access to Information Act (PAIA) 2 of 2000.
3. During the meeting, the Judge President raised the following concerns;
 - 3.1. Congestion of the Court Roll by Cases against the MEC for Health, Limpopo
 - 3.2. Contempt of Court Orders against the MEC for Health, Limpopo.
4. Measures taken by the Department
 - 4.1. The Department decentralized the submission of the request for access to information to all hospitals in in the province when PAIA came into effect. However, the Department took a decision to centralize this process effective from 17 May 2021 to Head Office, in response to the ever-increasing non-compliance with the Act resulting in payments of legal cost to the Attorneys. The Standard Operating Procedure was also reviewed to assist Heads of Healthcare institutions and other employees understand their responsibilities in the new process.

Private Bag X9302, Polokwane
Fidel Castro Ruz House, 18 College Street, Polokwane 0700. Tel: 015-293 6000/12. Fax: 015-293 6211.
Website: <http://www.limpopo.gov.za>

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4.2. This decision is aimed at improving compliance with the Act which will avoid the need for Attorneys to approach the court to compel the Department to issue the requested information. The Information Officer will be in control of the process from the beginning to the end, unlike in the decentralized model where non-compliance is known when it is too late.

4.3. However, the backlog of cases resulting from non-compliance with the Act still needs attention. Fortunately, the Department has since acquired the services of CAJV Pty Ltd, whose responsibilities include the investigation of PAIA cases. CAJV will play a significant role in identifying the root cause of these cases and their closure.

4.4. The Department is optimistic that the current measures put in place will improve compliance with the Act while also addressing the concerns that the Judge President had raised.

5. In conclusion, it has always been the Department's suspicion that some attorneys are prematurely approaching the Courts when the recommended process is not followed and majority of them still get away with it. The Judge President is humbly requested to please include following recommendations when developing or reviewing the practice notes, that;

5.1. the legal Practitioner must produce proof that the request FORM A, and the internal appeal FORM B, were submitted at the provincial office before any notice is given a date of hearing.

5.2. the notice of motion was served at the provincial office and is confirmed by the sheriff's return of service.

Yours Sincerely,



DR MHLONGO FT
HEAD OF DEPARTMENT

09 September 2021
DATE



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
HEALTH

Ref : 6/3/3/3
Enq : Ms Mohlaka RM
Tel : 015 293 6018
Email : Mamaila.Mohlaka@dhsd.limpopo.gov.za

JUDGE PRESIDENT MAKGOBA
LIMPOPO DIVISION OF HIGH COURT
POLOKWANE

RE: DETAILS OF THE CENTRAL OFFICE MANAGING REQUESTS FOR ACCESS TO
INFORMATION MADE IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT
2 OF 2000

1. The meeting between the office of Judge President Makgoba and the representatives from Limpopo Department of Health held on 22 September 2021 has reference.
2. The Judge president requested the Department to provide the details of the central office managing the requests for information made in terms of PAIA. The Department was further requested to outline what is expected from the requester for the office of the Judge President to include in the practice directives of the Judge President to the Legal Practitioners.

3. **Centralised PAIA Office Details:**

Physical Address: Fidel Castro Ruz House
18 College Street
POLOKWANE
0700

Tel no: 015 293 6050

E-mail: Paia@dhsd.limpopo.gov.za

4. The Attorneys should be reminded about the following;

- 4.1. The requisite PAIA Form J750 (Form "A") is duly completed and submitted to central PAIA office.

Private Bag X9302 Polokwane, 0700
18 College Street, Fidel Castro Ruz House, Polokwane
Tel: 015 293 6000. Fax: 015 293 6211. Website: www.doh.limpopo.gov.za

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4.2. Proof of Consent, a completed Power of Attorney, copies of identity documents of the patient and the attorney making the request must be attached to Form A.

4.3. The Department shall use contact details that are provided by the Legal Practitioner and the provisions of Practice Notice 537 of 2021 issued by the Legal Practice Council shall apply to all requests received (see Annexure A).

4.4. Should it happen that a response was not received from the department, an Internal appeal form PAIA "FORM B" must be submitted to the PAIA office whose details are provided in paragraph 4 above. The internal processes must be exhausted before the Court is approached.

4.5. To avoid approaching court prematurely, the attorney must produce proof that the request FORM A, and the internal appeal FORM B, were submitted at Provincial PAIA office before any notice is given a date of set down.

4.6. Proof of service that the notice of motion was served at the Provincial PAIA office must be confirmed by the Sheriff's return of service.

5. Submission of RAF1 Form.

5.1. The Department has been inundated with applications brought by attorneys on behalf of their clients for the completion of RAF1 Forms under the PAIA.

5.2. Our view and reading of the Act is that the application to complete a blank RAF1 form is an abuse of the PAIA Act in that the Act allows for the application for an existing record and not the creation of a new record:

"record" of, or in relation to, a public or private body, means any recorded information -

(a) regardless of form or medium;

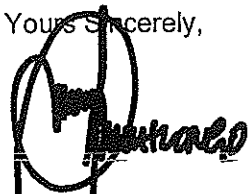
(b) in the possession or under the control of that public or private body, respectively;

5.3. The Department thus advised attorneys who file such applications at the Provincial PAIA Centre that such applications:

5.3.1. to complete a blank RAF1 Form cannot be entertained under the PAIA as they require to be created.

5.3.2. must be directed to the relevant RAF offices situated at health facilities as one of those offices' primary role is intended to assist with the same.

Yours Sincerely,



DR. MHLONGO FT
HEAD OF DEPARTMENT

27 September, 2021
DATE

LEGAL PRACTICE COUNCIL

NOTICE 537 OF 2021

NATIONAL OFFICE
Thornhill Office Park
Building 20
94 Bekker Road
Vorna Valley, Midrand
Tel: 010 001 8500



THE SOUTH AFRICAN LEGAL PRACTICE COUNCIL ("THE COUNCIL")

NOTICE IN TERMS OF SECTION 36(3) & 36(4) OF THE LEGAL PRACTICE ACT, 28 OF 2014 ("THE ACT")

Notice is hereby given that the Council amends the Code of Conduct made under the authority of sections 36(1) of the Legal Practice Act, 28 of 2014 (as amended) by inclusion of the following clauses to the Code of Conduct:

Insertion of Clause 3.17 and Clause 3.18

Legal Practitioner, candidate legal practitioners and juristic entities shall -

3.17 Unless exempted from compliance on good cause shown, and if they have not already done so, shall within 60 days of the taking effect of the amendment to the Code of Conduct by which this paragraph was introduced, notify the Council in writing (an email to the Council's published email address shall suffice as written notice) of their present existing practice physical address, email address, landline number and cell phone number ("their contact details") on the basis that their physical address and email address shall, jointly and severally, serve as their appointed *domicilium citandi et executandi*, and they shall, in writing, within 30 days of any change to any of their contact details, notify the Council of any such change. The Council shall be entitled to send any written communication to the said *domicilium address/es*, and such communication shall be deemed (on the basis of a rebuttable presumption the onus in respect of which rests on the addressee), if sent to the physical address, to have been received within 10 days of posting and, if sent to the e-mail address, to have been received within 48 hours of transmission.

3.18

- 3.18.1 shall within a reasonable time reply to all communication that requires an answer;
- 3.18.2 shall respond timeously and fully to requests from the Council for information and/or documentation which he or she is able to provide;
- 3.18.3 shall comply timeously with directions from the Council; and
- 3.18.4 shall refrain from doing anything that may hamper the ability of the Council to carry out its functions.

Signed at Midrand on the 30th day of August 2021

Ms K Matolo-Dlepu

Chairperson: Legal Practice Council



OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

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JUDGE PRESIDENT'S NOTICE

TO: 1. ALL LEGAL PRACTITIONERS
2. REGISTRARS

RE: CIVIL AND CRIMINAL COURT ROLLS ON 01 NOVEMBER 2021

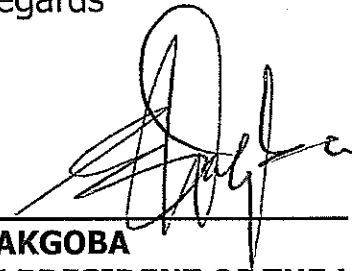
There will be no Court sittings on 01 November 2021 due to the fact that this date has been proclaimed a special holiday for purposes of the Local Government elections.

The Court rolls are rearranged as follows:

1. Civil trial matters set down for hearing on 01 November 2021 will be heard on 02 November 2021.
2. Opposed motion matters set down for hearing on Monday, 01 November 2021 are rescheduled for hearing on Friday, 05 November 2021.

3. Criminal trial matters set down for hearing on Monday, 01 November 2021 will be postponed to Tuesday, 02 November 2021.
4. Judges on Criminal trials roll will be available in the morning of 01 November 2021 to postpone the cases.

Kind regards



E M MAKGOBA
JUDGE PRESIDENT OF THE HIGH
COURT, LIMPOPO DIVISION
14 OCTOBER 2021





OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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JUDGE PRESIDENT'S DIRECTIVE NO 05/2021

**TO: ALL LEGAL PRACTITIONERS
ALL REGISTRARS**

**AND TO : LIMPOPO PROVINCIAL PRACTICE COUNCIL
LIMPOPO SOCIETY OF ADVOCATES**

RE: ADMISSIONS OF LEGAL PRACTITIONERS & SUSPENSIONS / REMOVAL FROM THE ROLL OF LEGAL PRACTITIONERS

1. TAKE NOTICE THAT measures have now been put in place for the Limpopo Local Division, Thohoyandou to entertain or handle applications for the admissions and suspensions or removal of legal practitioners from the Roll of practice.
2. With effect from the 1st of March 2022 all applications for admission and suspension / removal of legal practitioners from the roll may be made to the Limpopo Local Division, Thohoyandou subject to such matters falling within the area of jurisdiction of that Court.



OFFICE OF THE JUDGE PRESIDENT
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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JUDGE PRESIDENT'S DIRECTIVE NO 06/2021

**TO: ALL LEGAL PRACTITIONERS
ALL REGISTRARS**

RE: NOTICE OF SET DOWN OF APPLICATIONS FOR LEAVE TO APPEAL

1. In terms of Rule 49(1)(d) of the Uniform Rules of Court an application for leave to appeal shall be set down on a date arranged by the Registrar who shall give written notice thereof to the parties.

2. In order to streamline the procedure, I hereby direct that the following steps be followed:

2.1. As soon as the application for leave to appeal is received by the Judge concerned, the Secretary of the said Judge shall communicate with the legal practitioners of the parties to obtain a mutually agreed date for the hearing of the application.