

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

Case NO: 58145/2020

In the matter between:

**ROAD ACCIDENT FUND**

Applicant

and

**THE LEGAL PRACTICE COUNCIL**

First Respondent

**THE BOARD OF SHERIFFS**

Second Respondent

**ABSA BANK**

Third Respondent

**THAKA F SEBOKA N.O.  
(SHERIFF, PRETORIA CENTRAL)**

Fourth Respondent

**LANA NEL N.O. (SHERIFF, PRETORIA EAST)**

Fifth Respondent

**SHOKENG E DHLAMINI N.O.  
(SHERIFF, CENTURION EAST)**

Sixth Respondent

**MARKS THAPELO MANGABA N.O.  
(SHERIFF, JOHANNESBURG CENTRAL)**

Seventh Respondent

**NELSON NTSIBANTSU N.O.  
(SHERIFF, CAPE TOWN WEST)**

Eighth Respondent

**NOMANDLA NDABENI N.O.  
(SHERIFF, EAST LONDON)**

Ninth Respondent

**G S NDLOVU N.O.  
(SHERIFF, DURBAN CENTRAL)**

Tenth Respondent

**AD DANDALA & ASSOCIATES**

Eleventh Respondent

**GODLA & PARTNERS**

Twelfth Respondent

**SITHOMBE ATTORNEYS**

Thirteenth Respondent

**K MALAO INCORPORATED**

Fourteenth Respondent

**MDUZULWANA ATTORNEYS**

Fifteenth Respondent

**ROBERT MUVHIMI**

Sixteenth Respondent

**MOTLHOLO KOOS TLHAOLE**

**PHILADIPHIA NOMTHANDAZO MEMELA**

**SIPHO SKHOSANA**

**LINDIWE MACAKA**

**JUSTINE CHEPETE**

**EVIDENCE SHAVA**

DVDM INCORPORATED	Seventeenth Respondent
DE BROGLIO ATTORNEYS INC.	Eighteenth Respondent
VDS ATTORNEYS	Nineteenth Respondent
ROETS & VAN RENSBURG	Twentieth Respondent
PERSONAL INJURY PLAINTIFF'S LAWYERS ASSOCIATION	Twenty-First Respondent
ADVOCATE RAF FEE RECOVERY ASSOCIATION	Twenty-Second Respondent
KHOROMMBI MABULI INCORPORATED	Twenty-Third Respondent
PRETORIA ATTORNEYS ASSOCIATION	First <i>amicus curiae</i>
GENERAL COUNCIL OF THE BAR	Second <i>amicus curiae</i>

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## NOTICE OF MOTION

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**TAKE NOTICE THAT** the applicant intends to make application to the above Honourable Court on **TUESDAY, 7 MARCH 2023** at 10H00, or as soon thereafter as counsel may be heard, for an order in the following terms:

1. Dispensing with the forms, service and time periods prescribed in terms of the Uniform Rules of Court, directing that the matter be heard as one of urgency in terms of rule 6 (12) of the Uniform Rules of Court and condoning the service of this application by substituted service.
  
2. That a *rule nisi* be issued calling upon any interested parties to show cause, if any, to the above Honourable Court on a date to be arranged with the Deputy Judge President why an order in the following terms should not be made final:
  - 2.1 That the order that was granted by the above Honourable Court on 25 August 2022 extending the orders that were granted by the Full Court on the 9<sup>th</sup> of April 2021 for six months, in terms of which writs of attachment and warrants of execution, based on Court orders

already granted or settlements already reached in terms of the Road Accident Fund Act, 56 of 1996, which are not older than 180 days from the date of the court order or the date of the settlement reached, are suspended, be extended for a 12 month period from the date of this Court's order.

- 2.2 All attorneys who represent a claimant and whose matters have not been placed on the Requested Not Yet Paid list ("RNYP") is to provide the applicant with a list of such claimants' claims which do not appear on the RNYP list within 30 calendar days from the date of this order.
- 2.3 The applicant is ordered to place all matters referred to in paragraph 2.2 above, on the applicant's RNYP list within 30 Court days from the expiry of the date mentioned in paragraph 2.2 above.
- 2.4 The applicant is to pay all claims based on court orders already granted or settlements already reached in terms of the Road Accident Fund Act, 1996, which are older than 180 days from the date of the court order or the date of the settlement reached, within 60 Court days from the date of this order, provided that the applicant has been properly notified by an attorney who represents the claimant that have such claims that are older than 180 days of the existence of such claims within 30 days from the date of this order.
- 2.5 All writs of attachments and warrants of execution based on Court orders already granted or settlements already reached for payment of legal costs which are not older than 180 days from the date of

taxation, are suspended until those costs have aged 180 days from the date of taxation.

2.6 The applicant is to continue distributing the RNYP list to the attorneys on its database on a bi-monthly basis.

2.7 The applicant is to continue with its process of making payment of the oldest claims first by date of court order or date of written settlement agreement *a priore tempore*.

2.8 Supplier claims, as defined in the Road Accident Fund Act, 1996, are excluded from the above moratorium on payments.

2.9 The above order will be published by the applicant:

2.9.1 to all practicing attorneys through the Legal Practice Council;

2.9.2 by email to all of the applicant's list of attorneys on its database;

2.9.3 to the Minister of Transport by service on the State Attorney;

2.9.4 by publication in 2 newspapers, with national distribution.

3. Paragraph 2 above shall operate as an interim order with immediate effect pending the confirmation or discharge of the *rule nisi*.
4. That any party who wishes to oppose confirmation of the *rule nisi* file its opposing papers within 15 days of date of this order, after which the Applicant will file its replying affidavit, if any, within 10 days.
5. That this matter is referred to the Deputy Judge President for allocation of a hearing date.
7. Directing that any party who opposes the relief sought be ordered to pay the applicant's costs, including the costs of two counsel.
6. Further and/or alternative or just and equitable relief.

**TAKE FURTHER NOTICE THAT** the affidavit of **COLLINS PHUTJANE LETSOALO**, together with annexures, if any, will be used in support of this application.

**TAKE FURTHER NOTICE THAT** the applicant appointed **MALATJI & CO.** attorneys situated at Suite 39, 5<sup>th</sup> Floor, Katherine & West Building, 114 West Street, Sandton, c/o Ditsela Inc 3A, Guild House, 239 Bronkhorst street, Nieuw Muckleneuk, Pretoria at which address the applicant will accept notice and service of all process in these proceedings and that the applicant accepts electronic service at the following addresses: [tmalatji@mcinc.africa](mailto:tmalatji@mcinc.africa) and [seloff@mcinc.africa](mailto:seloff@mcinc.africa).

**TAKE NOTICE FURTHER THAT IF YOU ELECT TO OPPOSE THIS APPLICATION FOR INTERIM RELIEF, YOU MUST:**

1. Notify the applicant's attorneys by written notice at the above address or email addresses on or before **24 FEBRUARY 2023**, failing which the matter will proceed on an unopposed basis;
2. Appoint in the notification referred to in paragraph 1 above an address referred to in Rule 6 (5)(b) of the Uniform Rules of Court at which address you will accept notice and service of all documents in these proceedings;
3. File your answering affidavit, if any, by **10H00 ON WEDNESDAY 1 MARCH 2023**.

**DATED AT JOHANNESBURG ON THIS 22<sup>nd</sup> DAY OF FEBRUARY 2023.**



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**MALATJI & CO ATTORNEYS**

Attorneys for the applicant  
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Katherine & West Building  
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**REF: T. MALATJI/S ELOFF/M00532**

**C/O DITSELA ATTORNEYS**

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239 BRONHORST STREET  
NEUW MUCKLENUEK  
PRETORIA

Tel: 012 051 9953  
Email: [jones@ditsela.com](mailto:jones@ditsela.com)

**TO: THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT**

**AND TO: LEGAL PRACTICE COUNSEL  
FIRST RESPONDENT**  
EMAIL: [info@lpc.org.za](mailto:info@lpc.org.za)  
**C/O ROTH & WESSELS (RW AFRICA ATTORNEYS)**  
EMAIL: [andreb@rwafrica.com](mailto:andreb@rwafrica.com)

**AND TO: BOARD OF SHERIFFS  
SECOND RESPONDENT**  
EMAIL: [contacts@sherif's.org.za](mailto:contacts@sherif's.org.za)

**AND TO: TIM DU TOIT ATTORNEYS  
THIRD RESPONDENT'S ATTORNEYS**  
15 TROY STREET  
JOHANNESBURG  
TEL: 011 274 9816  
EMAIL: [riaan@timdutoit.co.za](mailto:riaan@timdutoit.co.za)

**AND TO: THE SHERIFF, PRETORIA CENTRAL  
FOURTH RESPONDENT**  
EMAIL: [ptacentral@sheriffnet.co.za](mailto:ptacentral@sheriffnet.co.za)

**AND TO: THE SHERIFF, PRETORIA EAST  
FIFTH RESPONDENT**  
EMAIL: [shfeast@mweb.co.za](mailto:shfeast@mweb.co.za)

**AND TO: THE SHERIFF, CENTURION EAST  
SIXTH RESPONDENT**  
EMAIL: [skokeng@sheriffcenturioneast.co.za](mailto:skokeng@sheriffcenturioneast.co.za)

**AND TO: THE SHERIFF, JOHANNESBURG CENTRAL  
SEVENTH RESPONDENT**  
EMAIL: [jhbcentral@sheriffnet.co.za](mailto:jhbcentral@sheriffnet.co.za)

**AND TO: THE SHERIFF, CAPE TOWN WEST  
EIGHTH RESPONDENT**  
EMAIL: [admin@sheriffctwest.co.za](mailto:admin@sheriffctwest.co.za)

**AND TO: THE SHERIFF, EAST LONDON  
NINETH RESPONDENT**  
EMAIL: [Sheriff.eastlondon@gmail.com](mailto:Sheriff.eastlondon@gmail.com)

**AND TO: THE SHERIFF, DURBAN CENTRAL  
TENTH RESPONDENT**  
EMAIL: [thando@sdco.co.za](mailto:thando@sdco.co.za)

**AND TO: AD DANDALA & ASSOCIATES  
ELEVENTH RESPONDENT**

9 ESSENWOOD ROAD  
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**AND TO: GODLA & PARTNERS  
TWELTH RESPONDENT**

EMAIL: [info@gpattorneys.co.za](mailto:info@gpattorneys.co.za)

**AND TO: SITHOMBE ATTORNEYS  
THIRTEENTH RESPONDENT**

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**AND TO: K MALAO INCORPORATED  
FOURTEENTH RESPONDENT**

FIRST FLOOR  
B105 MENLYN SQUARE OFFICE PARK  
LOIS AVENUE  
MENLO PARK  
TEL: 071 480 9300  
FAX: 086 686 5271  
EMAIL: [kmalaoinc@gmail.com](mailto:kmalaoinc@gmail.com)/  
[kabelo@kmalaoinc.co.za](mailto:kabelo@kmalaoinc.co.za)  
REF: KMALAO/URG-APPL/2020

**AND TO: MDUZULWANA ATTORNEYS  
FIFTEENTH RESPONDENT**

HATFIELD BRIDGE OFFICE PARK  
THIRD FLOOR  
OFFICE 3A  
213 RICHARD STREET  
HATFIELD  
PRETORIA  
TEL: 012 343 0532  
EMAIL: [info@mdzulwanaattorneys.co.za](mailto:info@mdzulwanaattorneys.co.za)  
REF: MA0428/RAF/LAW

**AND TO: SPRUYT INCORPORATED CLIENTS  
SIXTEENTH RESPONDENTS**

HATFIELD GARDENS



BLOCK B  
333 GROVERNOR STREET  
PRETORIA  
TEL: 012 430 7871  
FAX: 012 342 3945  
EMAIL: [legal29@spruyt.co.za](mailto:legal29@spruyt.co.za)  
REF: S SPRUYT/SL1193

**AND TO: DVDM INCORPORATED  
SEVENTEENTH RESPONDENT**  
224 SEFAKO MAKGATHO DRIVE  
SINOVILLE  
PRETORIA  
TEL: 012 543 3173  
EMAIL: [vdmerwea@vdmerweattorneys.co.za](mailto:vdmerwea@vdmerweattorneys.co.za)  
REF: Mr Van der Merwe/DS498/HC/sj

**AND TO: DE BROGLIO ATTORNEYS INC  
EIGHTEENTH RESPONDENT**  
BROOKLYN BRIDGE OFFICE PARK  
2<sup>ND</sup> FLOOR, PARKDEV BUILDING  
570 FEHRSEN STREET  
TEL: 011 788 7273  
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**AND TO: VDS ATTORNEYS  
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**AND TO: ROETS VAN RENSBURG ATTORNEYS  
TWENTIETH RESPONDENT**  
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**ALSO ACTING FOR:  
WE EMERGENCY RESPOND TEAM (PTY) LTD  
INTERVENING PARTY**

**AND TO: PIPLA  
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**AND TO: KHOROMMBI MABULI INC  
TWENTY-THIRD RESPONDENT IN THE MAIN APPLICATION  
C/O SHAPIRO LEDWABA  
20 BUREAU LANE  
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TEL: 012 328 5848  
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**AND TO: ADAMS & ADAMS  
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**AND TO: BERNHARD VAN DER HOVEN ATTORNEYS  
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