

**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 |
| KHOROMBI MABULI INCORPORATED | Twenty-Third Respondent |
| WE EMERGENCY RESPOND TEAM (Pty) LTD | Twenty-Fourth Respondent |
| PRETORIA ATTORNEYS ASSOCIATION | First <i>amicus curiae</i> |
| GENERAL COUNCIL OF THE BAR | Second <i>amicus curiae</i> |
| BRITS & BEUKES INCORPORATED | Third <i>amicus curiae</i> |
| FEARLESS AZANIAN LAWYERS ASSOCIATION | Fourth <i>amicus curiae</i> |
| NOSICELO PRINCESS QIKANI | Intervening party |

NOTICE OF MOTION

TAKE NOTICE THAT the applicant intends to make application to the above Honourable Court on **18 April 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 and 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. Suspending and interdicting warrants of execution for the attachment, removal and sale in execution of the applicant's assets, where such attachment and execution are based upon:

- 2.1 costs orders / costs settlements where such costs orders/settlements have not aged to 180 days from date of taxation/settlement; and
 - 2.2 claims for interest on the capital amounts already paid to claimants, where such claims for interest have not aged 180 days from date of payment of the capital:-

pending adjudication of the hearing of the main application under the above case number, which is currently awaiting special allocation by the Deputy Judge President.
3. That this order be published by the applicant:
 - 3.1 to all practicing attorneys through the Legal Practice Council;
 - 3.2 by email to all of the applicant's list of attorneys on its database;
 - 3.3 to the Minister of Transport by service on the State Attorney;
 - 3.4 by publication in 2 newspapers with national circulation.
 4. Directing that any party who opposes the relief sought be ordered to pay the applicant's costs, including the costs of two counsel.
 4. Further and/or other alternative or just and equitable relief.

TAKE FURTHER NOTICE THAT the affidavit of **RAMOTHLATLANE JOHANNES MOASTHE**, 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, 5th 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 notices and service of all process in these proceedings and that the Applicant accepts electronic service at the following addresses: tmalatji@mcinc.africa and seloff@mcinc.africa.

TAKE NOTICE FURTHER THAT IF YOU ELECT TO OPPOSE THIS APPLICATION, YOU MUST:

1. Notify the applicant's attorneys by written notice at the above address or email addresses on or before **29 MARCH 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 TUESDAY 11 APRIL 2023**.

DATED AT JOHANNESBURG ON THIS 27th DAY OF MARCH 2023.



MALATJI & CO ATTORNEYS
Attorneys for the Applicant
Suite 39, 5th Floor

Katherine & West Building
114 West Street, Sandton
Tel: (011) 072 2600
Fax: 087 220 1074
Email: tmatlatji@mcinc.africa
seloff@mcinc.africa
REF: T. MALATJI/S ELOFF
C/O DITSELA ATTORNEYS
3A GUILD HOUSE
239 BRONHORST STREET
NEUW MUCKLENUEK
PRETORIA
Tel: 012 051 9953
Email: jones@mitsela.com

**TO: THE REGISTRAR OF THE HIGH COURT
PRETORIA**

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

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

**AND TO: BOARD OF SHERIFFS
SECOND RESPONDENT**
EMAIL: contacts@sheriff'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

**AND TO: THE SHERIFF, PRETORIA CENTRAL
FOURTH RESPONDENT**
EMAIL: ptacentral@sheriffnet.co.za

**AND TO: THE SHERIFF, PRETORIA EAST
FIFTH RESPONDENT**
EMAIL: shefeast@mweb.co.za

**AND TO: THE SHERIFF, CENTURION EAST
SIXTH RESPONDENT**
EMAIL: skokeng@sheriffcenturioneast.co.za

**AND TO: THE SHERIFF, JOHANNESBURG CENTRAL
SEVENTH RESPONDENT**
EMAIL: jbhbcentral@sheriffnet.co.za

**AND TO: THE SHERIFF, CAPE TOWN WEST
EIGHTH RESPONDENT**
EMAIL: admin@sheriffctwest.co.za

**AND TO: THE SHERIFF, EAST LONDON
NINETH RESPONDENT**
EMAIL: Sheriff.eastlondon@gmail.com

**AND TO: THE SHERIFF, DURBAN CENTRAL
TENTH RESPONDENT**
EMAIL: thando@sdco.co.za

**AND TO: AD DANDALA & ASSOCIATES
ELEVENTH RESPONDENT**
9 ESSENWOOD ROAD
MUSGROVE
DURBAN
EMAIL: ad@adlaw.co.za

**AND TO: GODLA & PARTNERS
TWELTH RESPONDENT**
EMAIL: info@gpattorneys.co.za

**AND TO: SITHOMBE ATTORNEYS
THIRTEENTH RESPONDENT**
EMAIL: sithombeattorneys@gmail.com

**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
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
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
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
REF: Mr Van der Merwe/DS498/HC/sj

**AND TO: DE BROGLIO ATTORNEYS INC
EIGHTEENTH RESPONDENT**
BROOKLYN BRIDGE OFFICE PARK
2ND FLOOR, PARKDEV BUILDING
570 FEHRSEN STREET
TEL: 011 788 7273

FAX: 011 788 7274
EMAIL: patrick@onlinelaw.co.za /
nicolle@onlinelaw.co.za

**AND TO: VDS ATTORNEYS
NINETEENTH RESPONDENT
SEFAKO MAKGATHO DRIVE
BLOCK B, ZAMBEZI OFFICE PARK
ROODEPLAAT
TEL: 012 567 3328
EMAIL: alicia@nkvd.co.za**

**AND TO: ROETS VAN RENSBURG ATTORNEYS
TWENTIETH RESPONDENT
40 VAN RYNEVELD STREET
PIERRE VAN RYNEVELD
PRETORIA
TEL: 087 150 5683
EMAIL: tanya@rvrinc.co.za**

**ALSO ACTING FOR:
WE EMERGENCY RESPOND TEAM (PTY) LTD
TWENTY- FOURTH RESPONDENT**

**AND TO: PIPLA
TWENTY-FIRST RESPONDENT
C/O SELWYN DROBIS ATTORNEYS
13 SPIRAL CLOSE
WENDYWOOD
SANDTON
TEL: 061 371 8820
EMAIL: info@drobis.co.za**

**AND TO: ADVOCATE FEE RECOVERY ASSOCIATION
TWENTY-SECOND RESPONDENT
C/O DE BRUYN MORKEL ATTORNEYS
72 DELY ROAD
WATERKLOOF
PRETORIA
TEL: 012 752 7270
EMAIL: corne@dbmlaw.co.za**

AND TO: KHOROMMBI MABULI INC

TWENTY-THIRD RESPONDENT IN THE MAIN APPLICATION
C/O SHAPIRO LEDWABA
20 BUREAU LANE
PRETORIA
TEL: 012 328 5848
EMAIL: joshusa@shaprio-ledwaba.co.za

AND TO: KRUGER & CO
ATTORNEYS FOR THE FIRST AMICUS CURIAE
410 LYNNWOOD ROAD
MENLOPARK
TEL: 012 035 0366
EMAIL: tarien@kclaw.co.za

AND TO: BERNHARD VAN DER HOVEN ATTORNEYS
ATTORNEYS FOR THE SECOND AMICUS CURIAE
SECOND FLOOR, PARC NOUVEAU BUILDING
POSTNET SUITE 316
PRIVATE BAG X06
WATERKLOOF
0145
TEL: 012 346 4243
FAX: 086 584 3261
EMAIL: elmari@bvdh.co.za /
bernhard@bvdh.co.za
REF: A B T van der Hoven/er G.45

AND TO: TAUTE BOUWER & CILLIERS INC
ATTORNEYS FOR THE THIRD AMICUS CURIAE
827, 25TH AVENUE
RIETFontein
PRETORIA
TEL: 012 331 7806
EMAIL: tasha@tbcprok.co.za

AND TO: SISUTLA ATTORNEY
ATTORNEYS FOR THE FOURTH AMICU CURIAE
107 ALBERTINA SISULU STREET
JOHANESBURG
TEL: 011 333 0479
EMAIL: muvhumbi@sitsulaattorneys.co.za

AND TO: RM SODO ATTORREYS
ATTORNEYS FOR THE INTERVENING PARTY

C/O ROETS VAN RENSBURG ATTORNEYS
40 VAN RYNEVELD STREET
PIERRE VAN RYNEVELD
TEL: 087 150 5383
EMAIL: jason@rvrinc.co.za