IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG
MONDAY 22nd JANUARY 2024

THE DEFAULT MODE OF HEARING OF MATTERS IS IN PHYSICAL COURT

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

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

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

OPPOSED MOTION

Video-link BEFORE THE HONOURABLE JUDGE MALINDI J

9A BEFORE THE HONOURABLE JUDGE CRUTCHFIELD J

9B BEFORE THE HONOURABLE JUDGE DLAMINI J

9C BEFORE THE HONOURABLE JUDGE GOODMAN AJ

9D BEFORE THE HONOURABLE JUDGE TURNER AJ

UNOPPOSED MOTION

GC BEFORE THE HONOURABLE JUGDE OPPERMAN J

GD BEFORE THE HONOURABLE JUDGE MAIER-FRAWLEY J

GE BEFORE THE HONOURABLE JUDGE MDALANA-MAYISELA J

URGENT APPLICATIONS

9E BEFORE THE HONOURABLE JUDGE X

9F BEFORE THE HONOURABLE JUDGE X

SPECIAL MOTION

Video-link BEFORE THE HONOURABLE JUDGE UNTERHALTER J
2021/19803

INCOME TAX COURT

BEFORE THE HONOURABLE JUDGE BAM J

FAMILY COURT

11B BEFORE THE HONOURABLE JUDGE SENYATSI J

11C BEFORE THE HONOURABLE JUDGE K. MEYER AJ

SPECIAL INTERLOCUTORY COURT

GB BEFORE THE HONOURABLE JUDGE WEPENER J

RAF DEFAULT JUDGMENT COURT

8A BEFORE THE HONOURABLE JUDGE P VAN NIEKERK AJ

8B BEFORE THE HONOURABLE JUDGE MAISELA AJ

8C BEFORE THE HONOURABLE JUDGE P KHOZA AJ

8D BEFORE THE HONOURABLE JUDGE S MGIBA AJ

COMMERCIAL COURT

Offsite facility BEFORE THE HONOURABLE JUDGE VALLY J
2021/58226

PART-HEARD MATTER

8F BEFORE THE HONOURABLE JUDGE PULLINGER AJ
2020/22584

EQUALITY COURT

11E BEFORE THE HONOURABLE JUDGE WRIGHT J
EQ3/2023

CIVIL TRIALS OF LONG DURATION

8E BEFORE THE HONOURABLE JUDGE GEORGIADES AJ
2017/00480

GA BEFORE THE HONOURABLE JUDGE CAJEE AJ
2016/32960

1A BEFORE THE HONOURABLE JUDGE FORD AJ
2014/22983

GENERAL CIVIL TRIALS

11F BEFORE THE HONOURABLE JUDGE WINDELL J

11D BEFORE THE HONOURABLE JUDGE ADAMS J

Video-link BEFORE THE HONOURABLE JUDGE DIPPENAAR J

6A BEFORE THE HONOURABLE JUDGE WANLESS J

6B BEFORE THE HONOURABLE JUDGE F OPPERMAN AJ

6C BEFORE THE HONOURABLE JUDGE A VAN DER MERWE AJ

11A BEFORE THE HONOURABLE JUDGE BERKOWITZ AJ

2E BEFORE THE HONOURABLE JUDGE MAGODI AJ

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

PARTIES SHALL BE NOTIFIED OF ALLOCATIONS BY EMAIL.

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

DUE DATE TO SUBMIT PRACTICE NOTES: MONDAY, 15 JANUARY 2024

NUMBER ON ROLL	CASE NO	PARTIES	ALLOCATION/ORDER GRANTED
PART A: GENERAL CIVIL TRIALS			

1.	2020/24998	MOHAMMED SAYED ISMAIL NALLA VS NEDBANK LTD AND 2 OTHERS Plaintiff: Adv N Cassim SC and Adv Y F Saloojee Defendant: Adv M Phalane Plaintiff's claim is for damages against Nedbank based on a delictual claim on the premises that: The first defendant owed a duty of care to the plaintiff; and The first defendant failed to comply with its duties in terms of FICA and its negligence in failing to verify the Third Party's identity, the Third Party's address, conducting ongoing due diligence reporting suspicious transactions to the Financial Intelligence Centre, thereby causing the plaintiff's loss. The first defendant denies that it did not comply with its obligations in terms of FICA in respect of the verification of the identity of the third Party. Further, the first defendant asserts that the Plaintiff's negligence was the sole cause of the loss suffered by the plaintiff, if any. Estimated duration: 2 – 3 days Pre-trial conference: 18 October 2022; 27 November 2023 Separation of issues	**F OPPERMAN AJ** Secretary: Mr T Senoko Email: TSenoko@judiciary.org.za

2.	2021/57606	BUHLEBEZWE WELLINGTON NYEMBE VS LERATO PATRICIA NYEMBE Plaintiff: Mr M A Okafor Divorce (decree of divorce; division of accrual; primary residence, contact, access and maintenance of minor children) Pre-trial conference: 06 February 2023 Estimated duration: 1 hour	**WINDELL J** Secretary: Ms A du Toit Email: ADuToit@judiciary.org.za
3.	2021/9573	ATTARI PETROLEUM (PTY)LTD VS PETLANE OILS (PTY) LTD AND OTHER Plaintiff: Adv P van der Berg SC Defendant: Adv W B Pye SC Plaintiff purchased an immovable property on auction. This is an action to reclaim deposits from the first defendant (the seller) for return of the deposit and a claim against the second defendant (auctioneer) for return of its fee. The first defendant has instituted a counterclaim for full payment of the purchase price. The plaintiff will see a postponement. The postponement is not opposed, but the tender for costs are. The plaintiff contend that the wasted costs should be reserved, the defendant contend that the plaintiff should tender the wasted costs. Pre-trial conference: 22 April 2022; 16 October 2023 Minutes filed: 09 November 2022; 12 January 2024 Estimated duration: 1 hour	**BERKOWITZ AJ** Secretary: Ms N T Magwalivha Email: NTMagwalivha@judiciary.org.za
4.	2016/32960	PALESA TYHALITI OBO AMILA VS MEC FOR HEALTH	Trial of long duration allocated to CAJEE AJ

5.	2021/50602	MUZI HANOCK VILAKAZI VS STANDARD BANK OF SOUTH AFRICA Plaintiff: In person Defendant: Adv M Edwards Defamation claim with special plea of prescription raised by the defendant. Pre-trial conference: 15 November 2022; 12 December 2023 Minutes registered: 19 April 2023; 13 December 2023 Estimated duration: 1 – 2 days ***Plaintiff will request from the presiding judge permission to allow the media to broadcast the proceedings.	WANLESS J Secretary: Ms E Manuel Email: Emanuel@judiciary.org.za
6.	2021/16373	NEWTOWN MOTOR DEALERSHIP (PTY) LTD VS STEPHEN NALE Plaintiff: Adv P Lourens This is an action for payment of an outstanding debt. The defendant has bound himself towards the plaintiff as surety and co-principle debtor with Nungu Trading 711 (Pty) Ltd) t/a Johannesburg City Auto BMW) and Sovereigh Seeker Investment 156 (Pty) Ltd t/a Johannesburg City Ford Estimated duration: 2 – 3 days (if appearance on behalf of the defendant); 2 – 3 hours (if no appearance)	**DIPPENAAR J** Secretary: Ms J Blake Email: JBlake@judiciary.org.za

7.	2021/21032	GRID ELETRONICS (PTY)LTD VS QUANDOMANZI INVESTEMENTS (PTY) LTD Plaintiff: Adv G V R Fouche The parties entered into a partly written, partly oral agreement in terms of which the defendant had to erect a steel structure and furnish the plaintiff with galvanised roof sheeting. The plaintiff made payments in terms of the agreement to the defendant, however the defendant breached the agreement by failing to complete the installation of the roof structure and by failing to deliver enough galvanised roof sheeting in accordance with the agreement. As a result of the defendant's breach, the plaintiff suffered damages in respect of completing the erection of the galvanised roof, and in respect of rentals to the landlord of its erstwhile premises. Pre-trial conference: 07 December 2022 Minutes registered: 09 December 2022 Estimated duration: 2 – 3 days	**ADAMS J** Secretary: Ms G Dlamini Email: GDlamini@judiciary.org.za

8.	2021/30305	RUOELE NANCY MAMOMERE VS MSIBI BONGANI LEONARD Plaintiff: Adv W Marx Defendant: Adv S Schulenberg Divorce Issues in dispute: The existence of a valid customary marriage as contemplated in section 3(1) of the Recognition of Customary Marriages Act 120 of 1998 (as amended); The existence of a joint estate; Adjustment in favour of the plaintiff at the division of the alleged joint estate in respect of the Pension Fund pay-out received by the defendant; Maintenance and medical aid claimed by the plaintiff; The powers afforded to the Liquidator as contemplated in paragraphs (i) and (j) of Annexure B to the plaintiff's particulars of claim; Amounts owing to the defendant, being equivalent to mortgage bond payments made by the defendant in excess of this half share of the mortgage bond costs of the property; The defendant holds the view that the issue pertaining to the existence of a valid customary marriage should be decided separately from the proprietary relief sought by the plaintiff. The plaintiff is of the that there is no good reason for a separation of the issues. The defendant will request a postponement and to this end has launched a substantive application for postponement to be argued at the trial hearing. Application is opposed. Pre-trial conference: 13 September 2022 Minutes filed: 23 November 2022	**MAGODI AJ** Secretary: Mr M Magadla Email: MMagadla@judiciary.org.za

9.	2019/1069	MEADWAY INVESTMENTS (PTY) LTD VS TIN CAN MAN (PTY) LTD Plaintiff: Adv M Karolia Defendant: Adv K Iles Estimated duration: 3 days Pre-trial conference: 17 March 2022; 08 March 2023 There are four actions consolidated under case number 2019/1069. The plaintiff and defendant entered into a settlement agreement on 30 March 2017 at Sandton. In terms of the settlement agreement, the defendant agreed to: Pay to the plaintiff an amount per month in exchange for occupation of the plaintiff's property over the period 01 March 2017 to 28 February 2018; Vacate the property by 28 February 2018; The defendant failed to pay the rentals as agreed and further failed to vacate the property by 28 February 2018. The plaintiff instituted action in terms of which it claimed: Payment of an amount in rentals for the period August 2017 to February 2018 under claim A; Damages in an amount being the market related rental that the plaintiff would have earned for the period March 2018 to December 2018, under claim B. The further actions which the plaintiff instituted under the other case numbers, and now consolidated, are for damages sustained by the plaintiff beyond December 2018. The defendant's defence is that the settlement agreement is of no force and effect and its denies liability for damages. Plaintiff claims: Specific performance seeking rental payments in	**WINDELL J** Secretary: Ms A du Toit Email: ADuToit@judiciary.org.za Matter is settled

		amounts agreed upon in terms of the settlement agreement, this in respect of the period August 2017 to end February 2018; Damages for breach of contract for failing to vacate the property on the agreed date (damages as a result of not being able to let the property and/or not being able to occupy the property with effect from 01 March 2018. The defendant denies that the settlement is of force and effect.	
10.	2022/15789	LEBOGANG DUBE v MOGOTSI PHILLEMON BOKABA Plaintiff: Adv M Senyatsi Divorce Matter is settled – parties seek that settlement agreement be incorporated in court order Estimated duration: 45 minutes	**SUTHERLAND DJP** Secretary: Ms S Kajee Email: SKajee@judiciary.org.za
PART B: ROAD ACCIDENT FUND			

11	2021/32900	ROAD ACCIDENT FUND v EVA HELENE MUMENTHALER obo M C SCHERER Plaintiff: Ms P Makhathini Defendant: Adv J C Prinsloo This is an action instituted by the plaintiff (the Fund) to rescind a court order of this court dated 03 March 2020, alternatively for a declaratory order that the court order of 03 March 2020 is unconstitutionally invalid and be set aside. Pre-trial conference: 19 July 2022; 31 January 2023 Minutes filed: 29 July 2022; 07 February 2023 The issue of liability became settled between the parties on the basis of an apportionment. The defendant in terms of the settlement is liable for 90% of the plaintiff's proven or agreed damages. Estimated duration: 1 – 2 hours (if argued); 1 – 2 days (if evidence led)	**A VAN DER MERWE AJ** Secretary: Ms N Vimbi-Mudau Email: NoVimbi-Mudau@judiciary.org.za
MATTERS REMOVED FROM THE ROLL BY NOTICE			

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

1. The civil trial roll is submitted to the Office of the Deputy Judge President by the Registrar approximately nine (09) court days before the trial date and was correct when it reached the Secretary of the Deputy Judge President.
2. The roll received from the registrar's office is then posted on the website of the Johannesburg Society of Advocates approximately five (05) court days before the trial date, where litigants may inspect the roll.
3. The failure of the registrar to include matters on the roll must be taken up with the Registrar by no later than five (05) court days before the trial date. For that purpose, kindly approach the registrar, **Ms N Mvumbi (NMvumbi@judiciary.org.za / 010 494 8399**) (Ms T Khumalo is on maternity leave and will only return in 2024) timeously to enquire about the enrolment.
4. If the **registrar** approves the enrolment, the matter may be enrolled and dealt with. If the registrar declines the enrolment, the parties may apply for a new trial date in terms of the existing Practice Directives.
5. Last-minute enquiries will not be accommodated.