OFFICE OF THE HONOURABLE MADAM JUSTICE N.N BAM J
THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

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TO: ALL PRACTITIONERS 09 February 2024

IN RE: DIRECTIVE FOR THE URGENT COURT OF 09 FEBRUARY 2024 (16:00) TO 16 FEBRUARY 2024 (16:00) BEFORE JUDGE BAM

1. All applications which have already been enrolled by **12:00 on Thursday 08 February 2024 (when the roll closed)** are indicated on the roll for Urgent Applications. Separate rolls will later be distributed for Judge Bam and Acting Judge Mkhabela after the allocation of matters has been finalised. If cases were not ready at the time of filing on Thursday 08 February 2024, they will not be heard, unless there is good cause or exceptional circumstances are shown. **Papers that have not been properly indexed and paginated also run the risk of being struck off the roll.**

2. Where a matter is allocated to a specific date and time by the respective Judges, an allocation does NOT mean that the matter is sufficiently urgent to be heard on the merits.

3. In all matters (opposed and unopposed) a Practice Note as well as Heads of Argument must also be served and filed (on Caselines only and not to be sent to the Judges' secretary) by all parties concerned. All matters will be heard via the virtual platform Microsoft Teams. Failure to file Practice Note(s) and/or

Heads of Argument timeously will be an indication that there is no appearance for the party concerned and may in appropriate cases treated as unopposed.

4. The practice note must indicate at least the following (to assist the Judge who will do the allocations and for both judges to be used in their preparation):

4.1 Particulars and contact details of the legal practitioners;

4.2 Nature of the relief sought (without referring to the notice of motion);

4.3 A brief summary of the factual as well as legal issues involved;

4.4 The main issues to be considered;

4.5 A brief summary to substantiate the urgency;

4.6 Whether there was service by the sheriff, and if not, why not (unopposed applications);

4.7 Estimated duration;

4.8 Whether the matter is opposed or not.

Failure to file a practice note setting out all the above information, paragraph by paragraph individually, may result in the application be struck off the roll and a punitive cost order be granted.

5. The Practice Note, or a supplementary Practice Note must be served and filed (on Caselines only) by no later than Friday 09 February 2024 at 14h00 and the Heads of Argument by no later than Monday 12 February 2024 at 10:00 (on Caselines only). In unopposed matters the applicant must also indicate, in the practice note, where in the court papers the Sheriff's return of service is to be found.

6. The Practice Directive regarding Urgent Applications (Chapter 13.24) still applies (to opposed and unopposed applications) and the Rules pertaining to urgency will be strictly enforced. Compliance with annexure "A" (13.24), more particularly par [4], subparagraphs (1) to (11) thereof, as referred to in paragraph 11 of Chapter 13.24 of the Practice Manual, will also be strictly enforced. If a matter is not ready to be adjudicated on the date and the time

indicated in the notice of motion (subject to the degrees of urgency) and/or not so urgent as indicated in the Rules and the Practice Directive, it may be struck off the roll in which event a punitive costs order may be made.

7. Service of process in all urgent applications must comply with the Rules of Court. Deviations will only be condoned if good cause is shown. Where an agreement was reached by the respective parties' legal representatives to provide for the electronic exchange of papers, this must be specifically stated in the practice note.

8. All new applications, during court hours, must first be enrolled through the Registrar of the Urgent Court and brought to the attention of Judge Bam's registrar. In this regard the provisions of paragraph 7.1 to 7.4 of Chapter 13.24 of the Practice Manual will apply *mutatis mutandis*. All the provisions regarding the Practice Note and Heads of Argument referred to above, will apply *mutatis mutandis* to all new applications. All Rules and principles regarding urgency will also apply to these applications and will be strictly enforced.

9. The urgent Court cellular number for Pretoria is: 068 104 7107. The number is to be used only outside of ordinary court hours. The number is not to be used for general enquiries or for any issue. The phone will only be answered after normal court hours.

10. Filing of papers which were impossible to upload on Caselines, must be done via email to the Judges' registrars with an affidavit explaining what steps were taken to upload, when and by whom the steps were taken and why it was not possible to upload on Caselines. The Judge's registrar must then be informed telephonically that an email has been sent.

11. There is a growing tendency (especially following the lockdown period and during recess) to abuse the urgent court in two ways: First, to set matters down which are not ripe for hearing, not urgent and or where urgency is self-created. This will not be allowed. Second, the urgent court is not intended to hear complex factual and/or legal issues scattered over hundreds of pages. Such complex cases may be removed from the roll and the parties may be referred to the Deputy Judge president for a special court to be allocated at some time

in future (cf Practice Manual, annexure “A” to 13.24, par [4] sub-par (10) and (11), page H2-141).

12. All practitioners are requested to prepare a draft court order and to upload it onto Caselines.

13. LPs are to refrain from contacting the Judge directly, either by way of an email, WhatsApp or phone.

Ms Thobile Ngcobo

Registrar to Bam J

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