



REPUBLIC OF SOUTH-AFRICA
THE HONOURABLE JUDGE JANSE VAN NIEWENHUIZEN

HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION
P O Box 442, PRETORIA

TO: ALL PRACTITIONERS

27 January 2022

**IN RE: IMPLEMENTATION OF THE JUDGE PRESIDENT'S DIRECTIVE
DATED 11 JUNE 2021 FOR THE URGENT COURT OF 28 JANUARY 2022
(16:00) TO 4 FEBRUARY 2022 (16:00) BEFORE JUDGE JANSE VAN
NIEWENHUIZEN AND JUDGE BAM.**

1. All applications which have already been enrolled by 12:00 on Thursday 27 January 2022 (when the roll closed) are indicated on the roll for Urgent Applications. Separate rolls will later be distributed Judge Janse van Niewenhuizen and Judge Bam after the allocation of matters have been finalised.
2. All applications should already have been uploaded on Caselines as required in terms of par. 172 - 183 of the JP's Directive of 11 June 2021. When an application is brought for Tuesday at 10:00 the applicant must ensure that all the relevant papers are filed by the preceding Thursday at 12:00. **If an application has not been filed, i.e. all papers fully uploaded by 12:00 on Thursday 27 January 2022** (when the roll closed, and subject to the degrees of urgency), the application may not be heard and may be struck off the roll (Practice Directive, Annexure "A" to 13.24, par [4], sub par 3, p H2-139). Papers which have not been properly indexed and paginated also run the risk of being struck off the roll.
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 Judge's secretary) by all parties concerned. The application will then be adjudicated by means of an oral hearing, unless there is a written indication that it will not be necessary. Oral hearings will be conducted via Microsoft Teams, subject to a time limitation, if necessary.

4. **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 the application may then either be struck off the roll or be dealt with in the absence of such party.**

5. 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):

5.1 Particulars and **contact details** of the legal practitioners;

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

5.3 **Total number of pages**;

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

5.4 A clear indication (without referring to the heads of argument) which portion of the papers must be read and which not;

5.5 The **main issues** to be considered;

5.6 A **brief summary of the urgency** or absence thereof;

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

5.8 Estimated **duration**;

5.9 Whether the matter is **opposed or not**.

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

6. The **Practice Note** must be served and filed (**on Caselines only**) **by no later than Friday 28 January 2022 and the Heads of Argument by no later than Monday 31 January 2022 at 10:00 (on Caselines only)**. The applicant must also set out the reasons, in the Heads of Argument, why the matter is so urgent that it must be heard during the week concerned, by referring to the evidence in the founding affidavit. 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.
7. The Practice Directive regarding Urgent Applications (Chapter 13.24) will still apply (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.**
8. All new applications, after hours (28 January 2022 (16h00) to 31 January 2022 (8h00)) or during court hours, must first be brought to the attention of Judge Janse van Niewenhuizen's clerk.

After hours matters from 31 January 2022 to 4 February 2022 must be brought to the attention of Judges Bam's Clerk

The urgent Court cellular number for Pretoria is: **065 859 4819**.

9. Filing of papers which were **impossible** to upload on Caselines, must be done via email to the Judges' clerks, **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 clerk must then be informed telephonically that an email has been sent.

Particulars of the clerk of Judge Janse van Nieuwenhuizen are as follows:

Ms Nomfundo Khulu

Email: NKhulu@judiciary.org.za

Particulars of the clerk Judge Bam are as follows:

Ms Thobile Ngcobo

Email: TNgcobo@judiciary.org.za

10. It should finally be pointed out that there is a growing tendency (especially during 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 being urgent or where self-created urgency is applicable. **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 and which may take a long time to consider and finalise (when new matters may also be encountered on a daily basis in the urgent court). This will prevent other parties having their matters be adjudicated in time. **Such complex cases may be removed from the roll and the parties may be referred to the Deputy Judge president to be allocated a special court at some time in future** (cf Practice Manual, annexure “A” to 13.24, par [4] sub par (10) and (11), page H2-141).
11. All practitioners are requested to prepare a **draft court order by using “MS Word format”** (to allow for alterations) and to upload it onto Caselines and email word copy to NKhulu@judiciary.org.za. A failure to comply with this request may result in the application be struck off the roll.
12. It is the duty of the applicant’s attorney to ensure that the matter is **timeously enrolled (before the closing of the roll)** and fully uploaded onto Caselines, with an index to identify and find documents easily, and that the Judge will have access to it.