



**OFFICE OF THE JUDGE PRESIDENT  
WESTERN CAPE HIGH COURT**

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TO : ALL JUDGES  
FROM : JUDGE PRESIDENT JM HLOPHE  
SUBJECT : ACCESS TO COURT IN LIGHT OF COVID -19  
LOCKDOWN  
IMPLEMENTATION DATE: 10 AUGUST 2020

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**The following directives will apply from the implementation date above during the National State of Disaster. These Directives replace all previous COVID 19 directives in this division and should be read together with the directives issued by the Chief Justice (on 20 March 2020 and 02 May 2020).**

***As a Division we are committed to deliver transparent, efficient and quality access to justice for all.***

**A. PURPOSE**

To provide guidance in relation to how judicial, quasi-judicial and administrative functions are to be managed and performed during the remaining period of the National State of Disaster.

## B. GENERAL

1. Physical access to the Court building shall only be permitted where it is necessary for the achievement of the due administration of justice subject to these directions. All communications and all filing of documents shall preferably be done electronically, if practically possible and provision therefor is made in these Directions.
2. Any person entering the court precinct shall wear a cloth mask, homemade item or any other appropriate item that covers the mouth and nose. Social distancing of 1,5m will be maintained at all times (while waiting outside the building or when inside the court building and courtrooms). Sanitizing liquid will be available at the entrance to the court building as well as the courtrooms and all offices. Courtrooms will be sanitized before and after a hearing is conducted. Each person entering the building will be subjected to temperature screening. A register will be kept at all entrances for persons entering the building. The register is to be completed in full and accurately to aid contact tracing. Failure to do so will result in the person being refused access to the building.
3. Counsel and attorneys shall not attend Judges' chambers for purposes of introductions or consultations unless expressly requested by the Judge President or relevant Judicial Officer (proof of such invitation must be presented to security before access will be allowed). All personal introductions are suspended.
4. Any party wishing to have a matter, which has been set down for hearing during the National State of disaster period, removed from the roll, shall provide the Office of the Registrar with a notice of removal and where the matter is opposed a notice of removal by agreement between the parties as envisaged in the Chief Justices' Directive dated 02 May 2020.
5. In matters already enrolled and/or set down before the court, where settlement has been reached between the parties, the settlement agreement and/or orders together with proof that all relevant parties' legal

representatives and/or unrepresented parties are seeking leave for the order to be granted shall be forwarded to the Judge President or relevant Judicial Officer via his/her secretary as indicated on the updated list of e-mail addresses attached hereto.

Settlements for transmission to the Judge Presidents office must be delivered together with a 4<sup>th</sup> division upliftment form to the 4<sup>th</sup> division in the designated pigeonhole at the Keerom Street entrance. The accompanying draft order shall include the information as indicated in the attached example/ in order to expedite the issuing of the order by the Registrar's office. Non-compliant draft orders will be returned without being processed. If compliant, the file will be uplifted by the Registrar's office and processed to the Judge Presidents Office.

6. Where the filing of original documents are required and the filing thereof is impractical as a result of virtual hearings, the responsible legal practitioner shall electronically file an affidavit confirming possession of the original document/s as required, and file the original affidavit and document/s as soon as practicable thereafter. No order granted shall be issued by the Registrar's office prior to the filing of such original affidavit and document/s.
7. In matters already enrolled before the court, where the parties by agreement wish to postpone the matter, a draft order, together with proof that all relevant parties' legal representatives and/or unrepresented parties are seeking leave that the order to be granted must be delivered to the Registrar's Office for consideration by the Judicial Officer assigned to the matter. The draft order shall include the information as indicated in the attached example/s, in order to expedite the issuing of the order by the Registrar's office. Non-compliant draft orders will be returned without being processed.
8. The Judicial Officer shall consider options to proceed with cases with minimal contact between themselves, court personnel, legal practitioners and the litigants. Where it becomes necessary to have an open court

session compliance with the provisions of paragraph 2 above must be adhered to.

Virtual hearing options such as Microsoft Teams, Zoom, Webex and the like shall be considered where additional evidence and/or further argument/submissions other than what has been filed on record is required to reach a decision. The costs involved in setting up any virtual hearing link compatible with the court's IT infrastructure shall be borne by the parties in proportions agreed between them or failing agreement, in proportions determined by the Judicial Officer when the matter is heard. The request for virtual hearing must be made by e-mail to the relevant Judicial Officer's secretary on the day of allocation of the file and be incorporated in an electronically submitted Practice Note. The parties should also indicate in the Practice note whether counsel and all other interested parties (i.e. the instructing legal practitioner/s and client/s) have access to a device and reliable internet for purposes of the remote hearing, and provide the email addresses of all the participants to be invited to the virtual hearing. The link to the virtual hearing will preferably be set up by the relevant Judicial Officer's secretary and disseminated to all the parties. Alternatively, after consultation with the parties, the Judicial Officer may issue the appropriate directive confirming the party/s who will be responsible for the set up and recording of the virtual hearing.

9. The exchange of hard copies shall be minimized and all documents and pleadings shall be sent electronically between parties, where possible. Original documents and pleadings together with proof of service must be delivered at the court for filing.
10. Judgments and issued orders may be delivered electronically.
11. Practitioners are reminded that when draft orders are presented to a Judicial Officer that the draft order complies with the requirements mentioned in this directive and as per the attached examples.

12. Subject to these directives, the Chief Registrar and Court Manager will determine requirements and conditions for:

a. **open court hearings**, which shall only be considered as a last resort.

The Judicial Officers secretary will, after authorization from and determination by the Judicial Officer and after consultation with the parties, provide the Chief Registrar and Court Manager, with the following:

- i. Case No; type of case (civil or criminal);
- ii. Names of the parties and their legal representatives;
- iii. Full contact details including mobile numbers and e-mail addresses on which the parties or their legal representative may be contacted at any time pending, during and after the hearing of the matter;
- iv. Number of persons who will be allowed in the courtroom including the Judicial Officer and court staff. Cognizance should be taken of the floor size of the court room and the allowable limitations in respect thereof;
- v. Should members of the media be allowed, Judicial Officers are to ensure compliance with PN53 of the WC Consolidated Practice Directives;
- vi. It will only be necessary for counsel to appear for open court hearings. The instructing attorney/s need not appear but must be contactable if required.

**b. physical filing of documents**

- i) To minimise human contact in the general office, all documents including summonses, notices of motion, pleadings, affidavits, other documents to be filed of record and documents for taxations may be dropped off at the designated place at the Keerom Street entrance to the Court building.

All issued documents and taxation documents which cannot be issued on the same day will be available for collection from the designated pigeon holes at the Keerom Street entrance to the Court building (Summons, Apostilles, Taxations), on the following day where possible.

- ii) The physical filing of all documents can be done either in the pigeon holes provided at the entrance to the court or via the General Office staff available at the Keerom Street entrance to the court as well as in other designated areas of the court building.
- iii) Heads of argument in matters that have been set down and allocated may be sent to the relevant Judicial Officers secretary electronically with a copy to the 4<sup>th</sup> division clerk, as per the e-mail addresses on the list provided.

**c. Upliftment of and access to files**

- i. The upliftment of files from the general office will be suspended other than for urgent applications, chamber book applications, enrolled matters (in respect of settlements), setdown matters and leave to appeal, subject to further directions herein mentioned.
- ii. Access to any other file will be subject to approval by the Civil Registrars (Ms Esterhuizen or Mr Kleinhans) or the Chief Registrar (Mrs David) based on the motivation provided. Approval or denial of the request will be communicated via e-mail within 2 working days where possible.
- ii. Indexing and pagination of documents will **ONLY** be allowed at the court in designated areas, i.e. no documents can be uplifted and taken outside the court building.

Upliftment forms for 4<sup>th</sup> division files together with the relevant draft order or letter to the Judge President for early allocation, settlements, postponements, exceptions, opposed motion set downs and expedited pre-trials may be delivered to the court for the attention of the 4<sup>th</sup> Division Clerk/ Registrar, either physically or as per the e-mail on the list provided.

The files will be drawn and delivered by the 4<sup>th</sup> Division Clerk to the Judge President's secretary.

Arrangements for indexing and pagination should be made with the 4<sup>th</sup> Division Clerk.

- d. **Entry into the court building** by practitioners, the public (including the media) is to be strictly controlled:
- i. Access to the building is subject to a member of the public or legal practitioners and/or their assistants having a matter on the roll and/or having received permission to attend the hearing of a matter from the Judicial Officer seized with the matter and/or for issuing, collection and indexing of documents.
  - ii. Access by the media to attend the hearing of a matter must be approved by the relevant Judicial Officer seized with the matter.
  - iii. In all other cases access will be denied unless it is permitted on good cause shown to Registrar's Office or a Judicial Officer.
  - iv. Access is further restricted in terms of the allowable number of people within a specified area/ space or office in terms of the applicable regulations.

**13. Documents / Pleadings/ Bills of Cost (Taxation)**

In order to aid communication between the court, legal practitioners and litigants, all documents filed whether electronic or hard copy must contain the following information:

- i. Full names of the parties and their legal representatives;
- ii. Full contact details (Name of attorney firm, full address and high court box number where applicable) including mobile numbers and e-mail addresses on which the parties or their legal representative may be contactable at any time pending, during and after the hearing of the matter or for any virtual hearing process.

**14. Communication regarding the allocation of cases to Judicial Officers**

Once a matter has been allocated to a Judicial Officer, the Judge Presidents' office will electronically inform the Judicial Officer and his/her secretary thereof.

A copy of the electronic Practice Note filed by one of the parties, will be provided at the same time, to allow the Judicial Officer to determine if the original file or an electronic version will be required from the relevant legal practitioner/s.

**15. Dress code**

During open court sessions the dress code for the Judicial Officer and legal practitioners will apply as per the Directives issued previously by the Judge President on the "Dress Code".

For virtual hearing purposes, Judicial Officers and all legal practitioners



need not robe. However, in order to maintain the decorum required of a court hearing, they are to be dressed appropriately.

Cognizance should be taken of the environment in which relevant participants set up their access to the virtual hearing process, including any visible backdrop so as to ensure they are appropriate.

#### **16. Default Judgment applications in terms of Rule 31(5)**

- i) In order to aid the registrar's office, a Friday weekly backlog roll before a Judicial Officer/s will be introduced from the third term 2020 for all Rule 31(5) applications in which summons was issued prior to the lockdown (27 March 2020) until the backlog has been eradicated. A maximum of 20 applications per firm may be set down per week. Increases in the number of matters allowed per roll will be left to the discretion of the Chief Registrar depending on the demand.

The Registrar's office will allocate dates to the matters a week in advance and make available a typed roll on the notice board at the entrance to the court, on the OCJ website and if possible on the LPC websites so that legal practitioners may then follow up with the relevant Judicial Officer's secretary to determine if their attendance at court is required, whether a virtual hearing will be conducted or any other direction the Judicial Officer may provide.

- ii) Default judgment applications in respect of summons issued from 27 March 2020 onwards may be dropped off at the entrance to the court for finalization by the Registrar's Office in the normal course. These are limited to 20 applications per firm per week.

## **17. Subpoenas**

Subpoenas shall be issued by the Registrar's office on request. Documents and other items filed at the court in respect of a subpoena must be placed in a sealed envelope/ folder /box containing the case details on the outside. Parties may request that documents be filed in a digital format, where possible.

## **18. Warrants of Execution**

- i) Warrants of execution (for movable property) and delivery may, unless issued by the Registrar at the time default judgment is granted by the Registrar, - be dropped off at the entrance of the court. The order relating to the warrant of execution should be attached for ease of reference.
- ii) The warrant of execution should contain the attorney's full contact information to enable the Registrar's office to relay any further queries. The Registrar's office will draw the files and allocate warrants of execution for issuing.
- iii) The number of warrants per firm may be limited by the Chief Registrar depending on the volume and the availability of staff to attend to same. Limitations determined by the Chief Registrar may be communicated by notice placed at the entrance to the court from time to time.
- iv) Any other warrant of execution will only be issued save with permission of a Judicial Officer.

## **19. Apostilles/ Authentications**

Authentication / Apostille services in respect of documents will be managed by the Registrar of the Civil division. Only compliant documents allowable in terms of the Department of International Relations requirements may be dropped off at the front entrance of the court and uplifted within two (2) working days

thereafter.

- i) Information regarding allowable documents and compliance requirements will be available at the entrance to the court.
  
- ii) Notarised documents should contain the notary's seal or watermark on every page. Translations should contain a certificate by the Sworn Translator and be sealed on each page. Documents should be dropped off in a self-addressed envelope with a cover letter confirming the country to which the document will be sent.

## **20. Right of appearance and good standing certificates (J349)**

Applications with certified copies of supporting documents may be dropped off at the court in a sealed envelope marked for the attention of the Chief Registrar. Notification will be sent when the document is ready for collection.

## **21. Service of civil process and proceedings**

The sheriff shall serve all civil process and proceedings issued by the Registrar, in terms of the Rules and section 43 of the Superior Courts Act 10 of 2013.

In the event that the sheriff is unable to serve the process or proceedings, the affected party may approach the duty Judge for a directive.

## **22. Entry of matters on the continuous and opposed motion roll.**

The attached continuous roll and opposed motion roll register forms, marked D1 to D2 may be completed and dropped off at the court or e-mailed to the civil pre-trial clerk (continuous roll) and 4<sup>th</sup> division clerk (opposed motion roll) on the e-mail addresses on the list provided.

The form will be registered and endorsed with a folio number which will be communicated via e-mail to the relevant attorney firm or applicant, where applicable.

## **C. CIVIL MATTERS**

### **i) CIVIL TRIALS**

- a) Trial ready matters may be allocated a trial date by the Registrar's office.
- b) The Judge President will determine from the civil trials set down, if any matter shall be assigned for hearing.

To assist the Judge President in making that determination, where a trial date for a matter has been allocated by the Registrar's office the parties must forthwith email to the Judge President's Secretary ([EPotgieter@judiciary.org.za](mailto:EPotgieter@judiciary.org.za)) a Joint Practice Note containing the following:

- i) Case No;
- ii) Names of the parties and their legal representatives and their full contact details including mobile numbers and e-mail addresses;
- iii) A brief description of the nature of the claim and the main issue/s for determination;
- iv) An assessment of the possibility of the matter being resolved by mediation, arbitration or settlement;
- v) Whether the services of an interpreter is required and the relevant language;

- vi) Whether the matter can be determined without a hearing in open court, and if so, how and if not, why not;
  - vii) If the matter has to be determined in open court, wholly or partly:
    - whether all of the witnesses whose evidence must be heard in open court are currently resident in the area of jurisdiction of the Court;
    - the total number of persons (excluding the Judicial Officer and court staff) which it is anticipated will have to be in the courtroom;
    - whether it is anticipated that members of the public or the media will request to be allowed to attend the proceedings; and
  - viii) Any other information that may be relevant to the decision to be made by the Judge President.
- c) The Judicial Officer assigned to the matter will determine the manner in which the trial is to be conducted, regard being had for the preference to conduct virtual hearings.

If requested by the Judicial Officer, the parties shall create an electronic indexed set of the court papers for electronic submission to the Judicial Officer.

**ii) RULE 43 APPLICATIONS AND UNOPPOSED DIVORCES**

New Rule 43 applications and unopposed divorces may be set down by the Registrar and those that are allocated dates, shall be dealt with as directed by the Judicial Officer assigned to the matter.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for evidence, same shall be requested to be provided on affidavit or via Microsoft Teams, any other virtual hearing facility or any other manner the Judicial Officer shall consider necessary and expedient.

**MATTERS WHERE MINOR CHILDREN ARE INVOLVED INCLUDING HAGUE CONVENTION MATTERS**

1. In all matters where minor children are involved pleadings must be served on the relevant Office of the Family Advocate. Jurisdiction of the Office of the Family Advocate will be the office where the parties reside.
2. Proof of timeous filing at the relevant Office of the Family Advocate together with the annexures to pleadings drafted by the Office of the Family Advocate must accompany pleadings when a matter is enrolled for hearing and should form part of the paginated and indexed court file.
3. Should pleadings be filed electronically at the Office of the Family Advocate for interrogation and comment, the Office of the Family Advocate should be provided with at least five (5) working days to evaluate the pleadings and provide their annexures except in urgent matters.

4. Court orders requesting the Office of the Family Advocate to conduct an investigation should be duly issued together with all the relevant pleadings and expert reports.

**iii) CIVIL REVIEWS**

New review applications which are compliant with the requirements of Rule 53 of the Uniform Rules of court may be set down by the Registrar's office.

All review applications enrolled shall be dealt with as directed by the Judicial Officer assigned to the matter.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for further evidence, same shall be requested to be provided on affidavit or via Microsoft Teams, any other virtual hearing facility or any other manner the Judicial Officer shall consider necessary and expedient.

**iv) ADMISSIONS**

Admissions may be set down as per the dates indicated on the 2020 WC Court Calendar and will be dealt with as follows:

- a) A maximum of 46 applications may be scheduled by the Registrar's office on any given admission date. Not more than 23 applicants will be admitted at any one sitting. They will be conducted as follows: 10h00 to 11h00 and 11h30 to 12h30.

- b) All matters in which certificates have been issued by the Legal Practice Council will be attended to in Court 1 or any other designated court;
- c) Only candidates and legal practitioners presenting the candidates for admission will be allowed to enter the court building/ court room.
- d) Requests by candidates for virtual admissions are subject to approval by the Judge President or Judicial Officer/s attending to admissions. Candidates whose request has been approved will be required to sign the oath or affirmation form forwarded to them via e-mail, at the appropriate time during their admission, and deliver the original to the court. Upon receipt thereof the Registrar's office will be authorized to issue the admission order.

**v) JUDICIAL CASE MANAGEMENT (CIVIL PRE-TRIALS)**

New pre-trials may be allocated by the Registrar's office from term 3.

A backlog pre-trial process will run parallel to the normal pre-trial allocation process. All practitioners shall, within 14 days of this directive, provide the office of the Chief Registrar with a list of all matters they regard as ready for judicial case management, which were entered on the continuous roll pre-June 2018 and have not been allocated a pre-trial date. The list should include a detailed practice note per matter and a copy of the first page of the Rule 37 questionnaire filed at the Registrar's office. The matters are to be placed before a Judicial Officer for consideration.

All pre-trials before a case management Judicial Officer will proceed as scheduled, on the following basis:

- a) A pre-trial minute or an update must be submitted by email to the case management Judge at least three days prior to the



pre-trial date.

b) The pre-trial minute or update must:

- a. clearly define the issues still in dispute and the assistance required from the case management Judge.
- b. deal with all issues delineated in Uniform Rule 37A, including the possibility of mediation, arbitration or settlement;
- c. contain a clear explanation as to why the matter has not been settled; and
- d. include the e-mail addresses and mobile numbers to be used for purposes of a virtual hearing, if that is possible.

2. Where no such pre-trial minute or update is submitted, the matter will be removed from the roll.
3. The pre-trial will be dealt with by the case management Judge in chambers without any attendances by legal representatives.
4. Should the case management Judge require submissions from the legal representatives or have any queries, the legal representatives will be contacted by the case management Judge's secretary.
5. The case management Judge's directives/orders will be transmitted electronically by the Judge's secretary.
6. Any interlocutory application arising during the case management process shall be dealt with by the case management Judge, unless the interests of justice require that it be dealt with by another Judicial Officer.

## **D. APPLICATIONS**

### **1) UNOPPOSED MOTIONS**

Unopposed motion matters may be set down and shall be adjudicated upon.

All matters shall be accompanied by a practice note stating any issues the judicial officer should have regard to, and the status of the matter. Where appropriate, the legal practitioner shall certify that the papers are in order. It is incumbent on the legal practitioner to indicate to the judicial officer, any issues to be addressed on the papers.

In respect of eviction matters, S4(1) (PIE Act 19 of 1998) applications may be issued but will have to include hearing dates from the 4<sup>th</sup> term 2020 onwards. S4(2) (PIE Act 19 of 1998) applications may be set down as from the 3<sup>rd</sup> term 2020. Any order granted must take cognizance of the lockdown regulations currently in place at the time of the order.

Rule 46A applications may be set down and heard from the 4<sup>th</sup> term 2020. An affidavit must accompany the application and must indicate the impact of COVID 19 on the indebtedness of the Defendant.

In respect of curatorship applications, the applicant shall provide the judicial officer with a list of potential curators on the role of legal practitioners having regard to transformation imperatives.

Categories of matters will be allocated only a certain number of spaces per day. See the attached breakdown. Parties are to approach the 3<sup>rd</sup> division Registrar/clerk for the availability of dates for set downs and postponements.

The attached third division allocation form marked "E" hereto, must be completed and dropped off at the court. A date will be allocated by the 3<sup>rd</sup> division clerk based on the available dates on the roll and will be returned to the applicant who may then approach the court with the relevant application for

issuing or 3<sup>rd</sup> division Judicial Officer for the postponement of a matter already on the unopposed motion roll.

The Judicial Officer will determine the manner of the further conduct of the matter taking cognizance of the provisions contained under the paragraph marked “**General**” above, when providing directions to the parties.

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for evidence, same shall be requested on affidavit via Microsoft Teams, any other virtual hearing facility or any other manner that the Judicial Officer shall consider necessary and expedient.

## **2. URGENT APPLICATIONS**

Subject to the directives contained herein, items 14 to 24 of the Western Cape High Court Division Consolidated Practice Notes dealing with urgent applications in the fast lane of the Third division shall apply.

## **3. OPPOSED MOTIONS**

The Registrar's Office may allocate hearing dates for opposed motions based on the availability of dates. See GENERAL above for enrolment process.

The Judge President will determine from the opposed motions (including semi-urgent matters) set down, if any matter shall be assigned for hearing. To assist the Judge President in making that determination, the parties must forthwith email to the Judge President's Secretary ([EPotgieter@judiciary.org.za](mailto:EPotgieter@judiciary.org.za)) a Joint

Practice Note as envisaged in the Chief Justices directive dated 02 May 2020 where applicable indicating:

- i) Case No;
- ii) Names of the parties and their legal representatives and their full contact details including mobile numbers and e-mail addresses;
- iii) A brief description of the nature of the claim and the main issue/s for determination;
- iv) An assessment of the possibility of the matter being resolved by mediation, arbitration or settlement;
- v) Whether the services of an interpreter are required and the relevant language;
- vi) Whether the matter can be determined without a hearing in open court, and if so, how and if not, why not;
- vii) If the matter has to be determined in open court, wholly or partly:
  - Whether all of the persons whose submissions must be heard in open court are currently resident in the area of jurisdiction of the Court;
  - the total number of persons (excluding the Judicial Officer and court staff) which it is anticipated will have to be in the courtroom;
  - whether it is anticipated that members of the public or the media will request to be allowed to attend the proceedings; and
- viii) Any other information that may be relevant to the decision to be made by the Judge President.

Furthermore, all matters shall be accompanied by a practice note stating any issues the judicial officer should have regard to, and the status of the matter. It is incumbent on the legal practitioners to indicate to the judicial officer, any issues to be addressed on the papers.

Once allocated the Judicial Officer on perusal of the file and the heads of argument filed, will provide directions to the parties electronically, for the further conduct of the matter, having regard to the prevailing conditions,

To aid the Judicial Officer the following shall be considered:

- a) If the matter can be determined on the documents filed, the matter shall then be finalized;
- b) Should there be a need for evidence, same shall be requested on affidavit, via Microsoft Teams, Zoom, Webex or the like and/or any other manner the Judicial Officer shall consider necessary and expedient.
- c) Detailed written submissions (including replying argument), as well as Microsoft Teams, Zoom, Webex or the like should be utilized as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

If requested by the Judicial Officer, the parties shall create an electronic indexed set of the court papers for electronic submission to the Judicial Officer.

## **E. CIVIL & CRIMINAL APPEALS**

New civil appeals which are compliant with the requirements of Rule 49 and 50 of the Uniform Rules of Court may be issued and allocated a date of hearing by the Registrar's office.

All allocated appeals both civil and criminal shall be heard during the lockdown period in terms of S19(a) of the Superior Courts Act and as envisaged by paragraph 13 of the directives issued by the Chief Justice on 02 May 2020.

- a) If the matter can be determined on the documents filed, the matter shall then be finalized, unless the presiding Judicial Officer determines otherwise;
- b) Detailed written submissions (including replying argument), as well as Microsoft Teams, Zoom, Webex or the like should be utilized as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

## **F. APPLICATIONS FOR LEAVE TO APPEAL**

All applications for leave to appeal including requests for reasons both civil and criminal shall be heard or dealt with during the lockdown period in terms of S19(a) of the Superior Courts Act and as envisaged by paragraph 13 of the directives issued by the Chief Justice on 02 May 2020.

Applications for leave to appeal must be issued and filed at the court as well as e-mailed to the relevant Judicial Officers secretary. The Registrar's office will arrange for the file to be delivered to the Judicial Officer.

Judicial Officers should utilize Microsoft Teams, Zoom, Webex or the like as an alternative to oral submissions in open court, so as to eliminate the need for practitioners to attend court.

## **G. CRIMINAL MATTERS**

### **1. CRIMINAL TRIALS**

- a) Subject to the provisions mentioned under "General" above certain Criminal trials will commence under the following conditions:

- i) Where such a matter is partly heard before a Judicial Officer and has already commenced before the lockdown period;
  - ii) Where the Judge President has already allocated a matter for hearing to a Judicial Officer before the lockdown period and the plea and trial did not yet commence;
  - iii) Where such a matter is regarded as a backlog case with preference being given to accused persons in custody and trials with vulnerable witnesses;
  - iv) In trial ready cases where there are no more than three accused persons that can reasonably be finalized during the term;
  - v) All section 105A, plea and sentencing agreements and section 112(1)(b) and (2) guilty pleas.
- b) The number of cases to be enrolled will depend on the number of persons involved in order to give effect to social distancing of a minimum of 1.5 meters between persons in court.
- c) The option of virtual hearings may be considered, in consultation with the legal representatives for the State and accused person/s, taking into account the provisions of the Criminal Procedure Act and the “right to a fair trial” as enshrined in the Constitution.

For the purposes of these directives the words “presence of the accused”, referred to in section 158 of the Criminal Procedure Act, 51 of 1977 (as amended), shall be deemed to include the virtual presence and ability of an accused person/s to participate in the

proceedings electronically, together with their legal representative/s and/or witness/es throughout the proceedings, some or all being virtually present.

## **2) JUDICIAL CASE MANAGEMENT (CRIMINAL PRE-TRIALS)**

All criminal pre-trials set down from the third Term 2020, will be dealt with in consultation with the relevant Judicial Officer, the Office of the Director of Public Prosecutions and the legal representative/s of the accused person/s.

- i) The relevant State Advocate and the Attorney/Advocate of any accused person who is incarcerated shall compile a practice note to inform the pre-trial judicial officer about the necessity for their further pre-trial incarceration or any dispute between the prosecution and defence;
- ii) Arrangements should be made in relation to have those accused persons held in custody whose matters were postponed in absentia due to the fact that they were unable to be brought before the court as a result of the lockdown provisions, to have them brought before a court either physically or virtually;
- iii) Warrants of arrest for accused persons who are out on bail or warning, the execution of which had been stayed and held over for a future date, should be reviewed and the accused informed to attend court, under the following circumstances:
  - a) Where there is no reasonable possibility that the matter will be heard during the lockdown period;
  - b) Where the matter is trial ready and the accused needs to be informed of the trial date.



- iii) The option of virtual pre-trial and judicial case management hearings may be considered, in consultation with the legal representatives for the State and accused person/s, taking into account the provisions of the Criminal Procedure Act and the “right to a fair trial” as enshrined in the Constitution.

For the purposes of these directives the words “presence of the accused”, referred to in section 158 of the Criminal Procedure Act, 51 of 1977 (as amended), shall be deemed to include the virtual presence and ability of an accused person/s to participate in the proceedings electronically, together with their legal representative/s.

The Court Manager has implemented a Protocol document which is to be completed by Correctional Services (in respect of accused persons that are transported to court) and the DPP and legal representatives (in respect of witnesses).

## **H. EASTERN CIRCUIT LOCAL DIVISION AT THEMBALETHU**

1. The civil circuit at Thembaletu, George will continue as determined by the Judge President from time to time. The allocation of matters is at the discretion of the presiding Judicial Officer.

All legal practitioners are required, to ensure that they have an electronic copy of the contents of their files which is currently pending at Thembaletu, to facilitate virtual hearings. During the course of the sitting during the 3<sup>rd</sup> term, parties may liaise with the designated administrative personnel of the Registrar’s Office based at Thembaletu for the uploading of the electronic files onto the Teams platform or any other virtual platform applicable.

2. The Judge President may consider the setting down of matters in the criminal circuit depending on the prevailing COVID 19 regulations, applicable at the time.

## I. EQUALITY COURT MATTERS

New Equality Court matters may be issued by the Registrar's office.

As far as practically possible Equality Court directional hearings are to be attended to by the Judicial Officer seized with the matter. The same provisions contained under "General" above will apply.

## J. TAXATIONS

Taxations may be done via the following online platforms: Microsoft Teams or Zoom, where possible. The party presenting the bill may in consultation with the Taxing Master determine who will set up the online process. Unopposed taxations may also be finalised via telephone/e-mail.

If online platforms and any other forms of communication are unavailable to the parties to an unopposed or opposed taxation these will be conducted in a designated courtroom. All protocols regarding sanitation before and after each session will apply.

If neither of the options are possible, taxations should be postponed to the first available dates after the National State of disaster.

Should you wish to clarify any of the provisions of these Directives, you may contact the Chief Registrar (Ruanne David or care of Antoinette Marinus – 021 480 2635/6 [RDavid@judiciary.org.za](mailto:RDavid@judiciary.org.za) / [AMarinus@judiciary.org.za](mailto:AMarinus@judiciary.org.za)).

Any enquiries in respect of access to the court, the Protocol in respect of accused persons and setting up of virtual hearings may be directed to the Court Manager (Valerie Noah or care of Astrin Ernstzen – 021 480 2637/619 [VNoah@judiciary.org.za](mailto:VNoah@judiciary.org.za) / [AErnstzen@judiciary.org.za](mailto:AErnstzen@judiciary.org.za))

Any enquiries in respect of criminal matters may be made to the DPP (care of Adv Bell 021- 487 7226 nabell@npa.gov.za).

***We are committed to a safe working environment to protect all.***

***We are further committed to easing any backlog and ultimately eliminating same so that we can resume normal activity and enhance the efficient administration of justice.***

***We can only succeed with the continued cooperation and constructive collaborative support of all parties working together.***



**JUDGE PRESIDENT HLOPHE**

**04 August 2020**

To be issued to:

The Magistracy;

The National Prosecuting Authority;

Legal Aid South Africa;

Cape Bar Council;

Western Cape Bar Association;

Legal Practice Council;

Family Advocate;

State Attorney;

NADEL;

BLA;

South African Police Services;

Office of the Chief Justice

Department of Justice and Constitutional Development;

Department of Correctional Services;

Department of Social Development;

Department of Health;

Any other Court Official not mentioned above.

**WC PRACTICE DIRECTIVE COVID 19 UPDATE – 4 AUGUST 2020**

**INDEX TO SCHEDULE OF ATTACHMENTS**

<b>NO.</b>	<b>TYPE OF DOCUMENT</b>	<b>AS REFERENCED ON</b>
1.	E-mail address list (Term 3- 2020)	Pg 3, 6, 7
2.	Examples of draft orders	Pg 3, 4
3.	4 <sup>th</sup> division upliftment form	Pg 7
4.	Continuous roll registration form	Pg 11
5.	Opposed motion registration form	Pg 11
6.	3 <sup>rd</sup> division allocation breakdown	Pg 18
7.	3 <sup>rd</sup> division hearing and postponement date application form marked "E"	Pg 18
8.	Protocol Screening (Detained Persons)	Pg 25
9.	Protocol Screening (Witnesses – Criminal matters)	Pg 25
<b>ADDITIONAL FORMS</b>		
10.	4 <sup>TH</sup> Division postponement date allocation form	
11.	General office upliftment form	

**JUDICIARY**

**JUDGE PRESIDENT HLOPHE'S OFFICE:**

Lizette Potgieter      [EPotgieter@judiciary.org.za](mailto:EPotgieter@judiciary.org.za)      021 480 2564

**DEPUTY JUDGE PRESIDENT GOLIATH'S OFFICE:**

Beverly Irwin      [BIrwin@judiciary.org.za](mailto:BIrwin@judiciary.org.za)      021 480 2638

**JUDGES:**

Judge Desai	Rhoda Patel	<a href="mailto:RPatel@judiciary.org.za">RPatel@judiciary.org.za</a>	021 480 2641
Judge Davis	Rowena Bihl	<a href="mailto:RBihl@judiciary.org.za">RBihl@judiciary.org.za</a>	021 480 2625
Judge Erasmus	Fadiah Davids	<a href="mailto:FDavids@judiciary.org.za">FDavids@judiciary.org.za</a>	021 480 2549
Judge Meer	Bernadette Burger	<a href="mailto:BBurger@judiciary.org.za">BBurger@judiciary.org.za</a>	021 480 2648
Judge Bozalek	Robyn Battista	<a href="mailto:RBattista@judiciary.org.za">RBattista@judiciary.org.za</a>	021 480 2673
Judge Allie	Leana Tolken	<a href="mailto:LTolken@judiciary.org.za">LTolken@judiciary.org.za</a>	021 480 2620
Judge Ndita	Phumza Siphatho	<a href="mailto:PSiphatho@judiciary.org.za">PSiphatho@judiciary.org.za</a>	021 480 2647
Judge Le Grange	Anthea Cronje	<a href="mailto:ACronje@judiciary.org.za">ACronje@judiciary.org.za</a>	021 480 2672
Judge Saldanha	Zahira Bhawoodien	<a href="mailto:ZBhawoodien@judiciary.org.za">ZBhawoodien@judiciary.org.za</a>	021 480 2539
Judge Baartman	Carol Williams	<a href="mailto:CaWilliams@judiciary.org.za">CaWilliams@judiciary.org.za</a>	021 480 2629
Judge Binns-Ward	Joy Ely	<a href="mailto:JEly@judiciary.org.za">JEly@judiciary.org.za</a>	021 480 2674
Judge Steyn	Christa Pollet	<a href="mailto:CPollet@judiciary.org.za">CPollet@judiciary.org.za</a>	021 480 2640
Judge Gamble	Mariam Moose	<a href="mailto:MMoose@judiciary.org.za">MMoose@judiciary.org.za</a>	021 480 2661
Judge Fortuin	Kerien Van Heerden	<a href="mailto:KVanHeerden@judiciary.org.za">KVanHeerden@judiciary.org.za</a>	021 480 2544
Judge Samela	Linda Zibi	<a href="mailto:LZibi@judiciary.org.za">LZibi@judiciary.org.za</a>	021 480 2651
Judge Henney	Nashreen Khan	<a href="mailto:NKhan@judiciary.org.za">NKhan@judiciary.org.za</a>	021 480 2659
Judge Rogers	Pauline Schmidt	<a href="mailto:PSchmidt@judiciary.org.za">PSchmidt@judiciary.org.za</a>	021 480 2623
Judge Dolamo	Tamsyn Francis	<a href="mailto:TFrancis@judiciary.org.za">TFrancis@judiciary.org.za</a>	021 480 2560
Judge Cloete	Gillian Kay	<a href="mailto:GKay@judiciary.org.za">GKay@judiciary.org.za</a>	021 480 2547
Judge Mantame	Ursula Johnson	<a href="mailto:UJohnson@judiciary.org.za">UJohnson@judiciary.org.za</a>	021 480 2562
Judge Mabindla –Boqwana	Chantal Gusha	<a href="mailto:CAndrews@judiciary.org.za">CAndrews@judiciary.org.za</a>	021 480 2540
Judge Savage	Benita Long	<a href="mailto:BLong@judiciary.org.za">BLong@judiciary.org.za</a>	021 480 2642
Judge Salie-Hlophe	Gail Martin	<a href="mailto:GMartin@judiciary.org.za">GMartin@judiciary.org.za</a>	021 480 2564
Judge Nuku	Mariam Matthews	<a href="mailto:MMatthews@judiciary.org.za">MMatthews@judiciary.org.za</a>	021 480 2622
Judge Wille	Mandisa Madonci	<a href="mailto:MMadonci@judiciary.org.za">MMadonci@judiciary.org.za</a>	021 480 2646
Judge Papier	Kershin Naicker	<a href="mailto:KNaicker@judiciary.org.za">KNaicker@judiciary.org.za</a>	021 480 2561

Judge Parker	Helen Lategan	<a href="mailto:HLategan@judiciary.org.za">HLategan@judiciary.org.za</a>	021 480 2624
Judge Sher	Antoinette Delpont	<a href="mailto:ADelpont@judiciary.org.za">ADelpont@judiciary.org.za</a>	021 480 2640
Judge Kusevitsky	Donovan Baatjes	<a href="mailto:DBaatjes@judiciary.org.za">DBaatjes@judiciary.org.za</a>	021 480 2639
Judge Slingers	Velheminah Khumalo	<a href="mailto:VKhumalo@judiciary.org.za">VKhumalo@judiciary.org.za</a>	021 480 2671

### **ACTING JUDGES (TERM 3 - 2020)**

Acting Judge Sievers	Elmarie Sievers	<a href="mailto:ESievers@judiciary.org.za">ESievers@judiciary.org.za</a>	021 480 2563
Acting Judge Francis	Jacqueline Blanchard	<a href="mailto:JBlanchard@judiciary.org.za">JBlanchard@judiciary.org.za</a>	021 480 2676
Acting Judge Martin	June Cooper	<a href="mailto:JCooper@judiciary.org.za">JCooper@judiciary.org.za</a>	021 480 2631
Acting Judge Salie	Sharon Veerapen	<a href="mailto:SVeerapen@judiciary.org.za">SVeerapen@judiciary.org.za</a>	021 480 2538
Acting Judge Hack	Cherylene Adams	<a href="mailto:CAdams@judiciary.org.za">CAdams@judiciary.org.za</a>	021 480 2565
Acting Judge Norton	Robyn Battista	<a href="mailto:RBattista@judiciary.org.za">RBattista@judiciary.org.za</a>	021 480 2673
Acting Judge Hockey	Benita Long	<a href="mailto:BLong@judiciary.org.za">BLong@judiciary.org.za</a>	021 480 2642
Acting Judge Loots	Benita Long	<a href="mailto:BLong@judiciary.org.za">BLong@judiciary.org.za</a>	021 480 2642
Acting Judge Magona	Chantal Gusha	<a href="mailto:CAndrews@judiciary.org.za">CAndrews@judiciary.org.za</a>	021 480 2540

**ADMINISTRATION:**

**CHIEF REGISTRAR'S OFFICE**

Mrs R. David	<a href="mailto:RDavid@judiciary.org.za">RDavid@judiciary.org.za</a>	021 480 2635/6
Mrs Antoinette Marinus	<a href="mailto:AMarinus@judiciary.org.za">AMarinus@judiciary.org.za</a>	021 480 2636

**COURT MANAGER'S OFFICE:**

Mrs V. Noah	<a href="mailto:VNoah@judiciary.org.za">VNoah@judiciary.org.za</a>	021 480 2637
Ms Astrin Ernstzen	<a href="mailto:AErnstzen@judiciary.org.za">AErnstzen@judiciary.org.za</a>	021 480 2619

**REGISTRARS:**

<b>STENOGRAPHERS</b>	Dianna Healley	<a href="mailto:DHealley@judiciary.org.za">DHealley@judiciary.org.za</a>	021 480 2532/021 480 2556
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<b>TAXING MASTER</b>	Thembisisa Yalezo	<a href="mailto:TYalezo@judiciary.org.za">TYalezo@judiciary.org.za</a>	021 480 2403
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**TAXING MASTER /CRIMINAL APPEALS / REVIEWS/MENTAL HEALTH**

Ashleen Jones-Pretorius	<a href="mailto:AJones-Pretorius@judiciary.org.za">AJones-Pretorius@judiciary.org.za</a>	021 480 2424
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<b>CRIMINAL TRIALS</b>	Lana Manuel-Naran	<a href="mailto:LManuel-Naran@judiciary.org.za">LManuel-Naran@judiciary.org.za</a>	021 480 2415
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<b>ROOM 1</b>	Leandi L.F. Esterhuizen	<a href="mailto:LEsterhuizen@judiciary.org.za">LEsterhuizen@judiciary.org.za</a>	021 480 2403
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<b>ROOM 1</b>	Owen Kleinhans	<a href="mailto:OKleinhans@judiciary.org.za">OKleinhans@judiciary.org.za</a>	021 480 2402
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**PRINCIPAL USHER: COURT ALLOCATIONS**

Russel Daniels	<a href="mailto:RDaniels@judiciary.org.za">RDaniels@judiciary.org.za</a>	021 480 2453
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**PRINCIPAL INTERPRETER**

Christopher Blow	<a href="mailto:CBlow@judiciary.org.za">CBlow@judiciary.org.za</a>	021- 480 2446
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**3<sup>RD</sup> DIVISION**

Wayne Deck	<a href="mailto:WDeck@judiciary.org.za">WDeck@judiciary.org.za</a>	021 480 2438
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Delcarme Kyle	<a href="mailto:DKyle@judiciary.org.za">DKyle@judiciary.org.za</a>	021 480 2438
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**4<sup>TH</sup> DIVISION**

Zayn Booysen	<a href="mailto:ZBooyesen@judiciary.org.za">ZBooyesen@judiciary.org.za</a>	021 480 2438
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Mandisi Nyameli	<a href="mailto:MNyameli@judiciary.org.za">MNyameli@judiciary.org.za</a>	021 480 2438
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**PRE-TRIALS:**

Andrew Fraser                      [AFraser@judiciary.org.za](mailto:AFraser@judiciary.org.za)                      021 480 2454

**CRIMINAL TRIALS:**

Sonja Pace                              [SPace@judiciary.org.za](mailto:SPace@judiciary.org.za)                              021 480 2414

**CRIMINAL APPEALS:**

Lusanda Slaai                              [LSlaai@judiciary.org.za](mailto:LSlaai@judiciary.org.za)                              021 480 2665

Zamikhaya Mgala                              [ZMgala@judiciary.org.za](mailto:ZMgala@judiciary.org.za)                              021 480 2665

**TAXATION ADMINISTRATION:**

Phelokazi P. Hermans                              [PHermans@judiciary.org.za](mailto:PHermans@judiciary.org.za)                              021 480 2667

**THEMBALETHU CIRCUIT (TERM 3- 2020)**

Kershin Naicker                              [KNaicker@judiciary.org.za](mailto:KNaicker@judiciary.org.za)

Warren Amos                              [WAmos@judiciary.org.za](mailto:WAmos@judiciary.org.za)





IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No. **1215/2019**

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)  
CAPE TOWN: Thursday 23 July 2020**

**BEFORE THE HONOURABLE MS JUSTICE WILLE**

**In the matter between:**

KELLY PATRICIA WESTERMAN  
NTOMBIZINE ELIZABETH MAKANANDA  
TINASHE CHIPATIKO

First Applicant  
Second Applicant  
Third Applicant

And

ANTHONY PAUL PETER TEUCHERT

Respondent

---

**Having heard the Legal Representative for the Applicants  
Having read the documents filed of record;**

**IT IS ORDERED:**

That the matter is postponed to 07 SEPTEMBER 2020 on the Semi-Urgent Roll for hearing.

**BY ORDER OF THE COURT**

**COURT REGISTRAR  
Fareed Moosa & Assoc. Inc.  
23 Coniston Road  
RONDEBOSCH**

/avz



IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

**VOLUNTARY SURRENDER**

CASE NO. 3807/2020

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

CAPE TOWN: Tuesday 3 March 2020

Before the Honourable Ms Justice Slingers

In the Ex Parte application of:

GEAN SIMON NOTHNAGEL  
I.D.NO. 700403 5283 08 9

First Applicant

And

KAREN MICHELLE NOTHNAGEL  
I.D.NO. 680917 0287 08 8  
(Married in Community of Property)  
Both Residing at  
25 Three Fountains Estate  
Old Mamre Road  
PHILADELPHIA  
Cape Town

Second Applicant

---

Having heard Counsel for the Applicants  
and having read the documents filed of record;

**IT IS ORDERED:**

1. That the Applicant's estate is accepted as insolvent and placed under Sequestration.
2. That the costs of this application will be borne by the Applicant's insolvent estate; provided that the legal costs by the Applicant's attorney, inclusive of value added tax, does not exceed the amount as set out in the Dividend Calculation of the Applicant's Founding Affidavit.

R Hendricks & Assoc.  
Unit 12, Block A  
1<sup>st</sup> Floor, Clareview Business Park  
236 Imam Haron Road  
CLAREMONT

**BY ORDER OF THE COURT**

/avz

**COURT REGISTRAR**



**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No. **3732/2020**

**FINAL LIQUIDATION**

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

**CAPE TOWN: Tuesday 14 July 2020**

**Before the Honourable Mrs Justice Salie-Hlophe**

**In the matter between:**

**AFRILINE CIVILS (PTY) LTD  
(Registration Number: 2008/016280/07)**

Applicant

And

**NL BIOLOGISTICS (PTY) LTD  
(Registration Number: 2019/151242/07)  
Registered Address:  
Unit 5, 5 Cecil Morgan Road  
STIKLAND  
Western Cape**

Respondent

---

**Having heard the Legal Representative for the Applicant  
and having read the documents filed of record:**

**IT IS ORDERED:**

That the rule nisi granted on 1 June 2020 is made absolute and Respondent is placed under Final Liquidation.

**BY ORDER OF THE COURT**

**COURT REGISTRAR  
Van der Meer & Partners Inc.  
DURBANVILLE  
c/o 77 Schneider Galloon Reef & Co.  
CAPE TOWN**

/avz



IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

**RULE EXTENDED**  
IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

CASE NO. 1622/2020

**CAPE TOWN: Friday 29 May 2020**

Before the Honourable **Mr Justice Le Grange**

In the application of:

CHRISTIAN MORKEL

Applicant

And

MORKEL AND VILJOEN ELECTRICAL (PTY) LTD

Respondent

(Registration Number: 2013/092460/07)

(Registered Address:

4 Sonop Street, Arauna

BRACKENFELL

Western Cape Province

---

Having heard the Legal Representative for the Applicant  
and having read the documents filed of record;

**IT IS ORDERED:**

That the rule nisi granted on 28 February 2020 is extended to 29 JUNE 2020.

**BY ORDER OF THE COURT**

**COURT REGISTRAR**  
Voss Wiese Haggard Inc.  
DURBANVILLE  
c/o 665 Knowles Husain Lindsay Inc.  
CAPE TOWN

/avz



2e

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

**RULE DISCHARGED**  
**IN THE HIGH COURT OF SOUTH AFRICA**  
**(WESTERN CAPE DIVISION, CAPE TOWN)**  
**CAPE TOWN: Tuesday 5 May 2020**  
**Before the Honourable Mr Acting Justice Sievers**

Case No. **9160/2019**

**In the matter between:**

SB GUARANTEE COMPANY (RF) (PTY) LTD

Applicant

And

ZUNRUMODE (PTY) LTD  
**(Registration Number: 2018/326074/07)**  
**13 Riethaan Row, Woodlands Hills**  
**BLOEMFONTEIN**  
**Free State**

Respondent

---

**Having heard Counsel for the Applicant**  
**and having read the documents filed of record;**

**IT IS ORDERED:**

1. That the Provisional Liquidation Order granted on 3 March 2020 is set aside, the Rule Nisi is discharged and the Application is dismissed.

**BY ORDER OF THE COURT**

**COURT REGISTRAR**  
**31 Werksmans Att.**  
**CAPE TOWN**

/avz



**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)**

**PROVISIONAL LIQUIDATION  
IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)  
CAPE TOWN: Wednesday 27 May 2020  
Before the Honourable Mr Acting Justice Sievers**

**Case No. 14235/2019**

**In the matter between:**

DB CONTRACTING CC  
**(Registration Number: 1996/007005/23)**

Applicant

And

LUSIZIS CONTRACTORS CC  
**(Registration Number: 1999/044558/23)**  
**Registered address at:  
22B Church Street  
DURBANVILLE  
Western Cape**

Respondent

---

**Having heard Counsel for the Applicant  
and having read the documents filed of record;**

**IT IS ORDERED:**

1. That the respondent is placed under a provisional order of liquidation.
2. That a rule nisi is issued calling on all persons concerned to appear and show cause at 10h00 on 14 JULY 2020 as to why a final order of liquidation should not be granted and why the costs of this application should not be costs in the liquidation.
3. That this order be served:
  - a) on the respondent at its registered address;
  - b) on SARS;
  - c) by one publication in each of DIE BURGER and THE CAPE TIMES newspapers.

**19 Laäs & Scholtz Att.  
DURBANVILLE**

**BY ORDER OF THE COURT**

/avz

**COURT REGISTRAR**



IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

**FINAL SEQUESTRATION**  
**IN THE HIGH COURT OF SOUTH AFRICA**  
**(WESTERN CAPE DIVISION, CAPE TOWN)**

**CASE NO. 2608/2020**

**CAPE TOWN: Friday 31 July 2020**

**Before the Honourable Mr Acting Justice Martin**

**In the matter between:**

ELIZABETH MAGDALENA ADOLINA BREUGEM

Applicant

And

PIETER BREUGEM

Respondent

**(I.D.NO. 490119 5031 08 8)**

**Married out of community of property to each other**

**Residing at**

**1302 Casper Road**

**PRINGLE BAY**

**Province of the Western Cape**

---

**Having heard the Legal Representative for the Applicant  
and having read the documents filed of record;**

**IT IS ORDERED:**

That the rule nisi granted on 28 February 2020 is made absolute and the Respondent's estate is placed under Final Sequestration.

**BY ORDER OF THE COURT**

**COURT REGISTRAR**  
**132 AS Hurter Att.**  
**BELLVILLE**

/avz



IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

**PROVISIONAL SEQUESTRATION**  
**IN THE HIGH COURT OF SOUTH AFRICA**  
**(WESTERN CAPE DIVISION, CAPE TOWN)**  
**CAPE TOWN: Thursday 22 July 2020**  
**Before the Honourable Mr Justice Saldanha**

**Case No. 10515/2004**

**In the matter between:**

MITIPROP LIMITED (INCORPORATED  
THE REPUBLIC OF MAURITIUS)

**Applicant**

and

CRAIG YOUNG  
**I.D.NO. 650924 5033 08 3**  
MICHELLE YOUNG  
**Both Residing at**  
**Winelands Estate**  
**Simonsvlei Road**  
**SIMONDIUM**

**First Respondent**

**Second Respondent**

---

**Having heard Counsel for the Applicant**  
**and having read the documents filed of record;**

**IT IS ORDERED:**

1. That the estate of the First Respondent be placed under sequestration in the hands of the Master of the High Court of Sout Africa.
2. That a rule nisi is hereby issued calling upon all persons concerned to show cause, if any, to this Honourable Court on 21 NOVEMBER 2005 at 10h00 or soon thereafter as Counsel may be heard why:
  - 2.1 a final sequestration order should not be granted;
  - 2.2 the costs of this application should not be costs in the sequestration of the first respondent's estate;
3. That service of this Order shall be effected by the Sheriff as follows:
  - 3.1 on the respondents personally;



- 3.2 on the South African Revenue Service;
- 3.3 on such employees of the first respondent as may exist:-
  - 3.3.1 by affixing a copy of the application to any notice board to which the Sheriff and such employees have access inside the premises of the first Respondent; or
  - 3.3.2 if there is no access to the premises by the Sheriff and the employees, by affixing a copy of the application to the front gate of the premises, if applicable, failing which to the front door of the premises from which the first respondent conducted any business at the time of the presentation of the application herein.
4. That notice of this Order shall be given by prepaid registered post to all creditors which claims in excess of R5 000.00

**127 Cliffe Dekker Inc.  
CAPE TOWN**

**BY ORDER OF THE COURT**

**/avz**

**COURT REGISTRAR**



IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

Case No. 1215/2019

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE DIVISION, CAPE TOWN)

CAPE TOWN: Thursday 23 July 2020

BEFORE THE HONOURABLE **MS JUSTICE WILLE**

In the matter between:

KELLY PATRICIA WESTERMAN  
NTOMBIZINE ELIZABETH MAKANANDA  
TINASHE CHIPATIKO

First Applicant  
Second Applicant  
Third Applicant

And

ANTHONY PAUL PETER TEUCHERT

Respondent

---

Having heard the Legal Representative for the Applicants  
Having read the documents filed of record;

**IT IS ORDERED:**

That the matter is postponed to 07 SEPTEMBER 2020 on the Semi-Urgent Roll for hearing.

**BY ORDER OF THE COURT**

**COURT REGISTRAR**  
Fareed Moosa & Assoc. Inc.  
23 Coniston Road  
RONDEBOSCH

/avz

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION, CAPE TOWN)

**UPLIFTMENT OF 4<sup>TH</sup> DIVISION COURT FILES**

**Date On Roll:**

**Case No:**

**Name Of Parties:**

Applicant/Plaintiff

Vs

Respondent/Defendant

**Attorney Firms Details:**

**Name and Surname:**

**Telephone Numbers:**

**Email Address:**

**Specified documents being Uplifted and reason why file is requested:**

**Date which documents/file were removed:**

**Signature of person removing documents/file:**

**NOTE: YOU MAY NOT REMOVE THE BROWN COVER FROM THE COURT EVEN THOUGH THE FORM SAYS "REMOVAL OF COURT FILE" THIS IS ONLY FOR THE PURPOSE WITHIN THE COURT**

# CONTINUOUS ROLL

Page no Folio no

CASE NO: \_\_\_\_\_ /

DATE \_\_\_\_\_

ESTIMATED TIME: \_\_\_\_\_ (DAYS)

FULL NAMES OF PLAINTIFF: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

FULL NAMES OF DEFENDANT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME & ADDRESS OF ATTORNEY FOR DEFENDANT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# Opposed Motion

Folio no: /2020

**Date Entered:** \_\_\_\_\_

**Case No:**

**ESTIMATED TIME:** \_\_\_\_\_ (DAYS)

**FULL NAMES OF APPLICANT:**

\_\_\_\_\_  
\_\_\_\_\_

**FULL NAMES OF RESPONDENT:**

\_\_\_\_\_  
\_\_\_\_\_

**NAME & ADRESS OF ATTORNEY FOR APPLICANT:**

\_\_\_\_\_  
\_\_\_\_\_

**NAME & ADRESS OF ATTORNEY FOR RESPONDENT:**

\_\_\_\_\_  
\_\_\_\_\_

**ANNEXURE A - WC MOTION COURT ALLOCATION SCHEDULE**

<b>TYPE OF APPLICATION</b>	<b>QUANTITY</b>
<b>1. Applications (other than evictions and liquidations)</b>	<b>20</b>
<b>2. Evictions</b>	<b>5</b>
<b>3. Liquidations/ Sequestrations/ Voluntary Surrender</b>	<b>5</b>
<b>4. Default Judgments</b>	<b>20</b>
<b>5. Rule 46A</b>	<b>3</b>
<b>6. Divorces</b>	<b>10</b>
<b>7. Rule 43</b>	<b>2</b>
<b>8. Postponements/ Rule Nisi</b>	<b>10</b>



OFFICE OF THE CHIEF JUSTICE  
REPUBLIC OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN

35 KEEROM STREET  
CAPE TOWN  
8000

PRIVATE BAG X9020  
CAPE TOWN  
8000

3<sup>RD</sup> DIVISION HEARING DATE/ POSTPONEMENT DATE

<b>CASE NO.</b>	
<b>PARTIES</b>	
<b>PLAINTIFF / APPLICANT ATTORNEYS</b>	
<b>DEFENDANT / RESPONDENT ATTORNEYS</b>	
<b>DATE ENROLLED:</b>	
<b>DATE POSTPONED TO:</b>	
<b>REGISTRAR'S NAME</b>	
<b>SIGNATURE OF REGISTRAR</b>	

DATE STAMP:

--



**PROTOCOL FOR THE SCREENING OF DETAINEES TRAVELLING TO AND FROM COURT**

<i>Please mark the box with an X for no or a ✓ for yes</i>	DCS	SAPS
Any physical contact with a confirmed/presumptive COVID-19 case in the correctional facility		Any physical contact with a confirmed/presumptive COVID-19 case in the holding cells at court, or in the Court
Persistant coughing		Persistant coughing
Sore throat		Sore throat
Persistant sneezing		Persistant sneezing
Shortness of breath		Shortness of breath
Vomiting		Vomiting
Loss or smell or loss of taste		Loss of smel or loss of taste
Redness of the eyes		Redness of the eyes
Diarrhoea, stomach cramps, nausea		Diarrhoea, stomach cramps, nausea
Joint and muscle aches		Joint and muscle aches
Fatigue/weakness		Fatigue/weakness
Fever/Chills		Fever/Chills
Wearing Mask		Wearing mask
Temperature reading taken at the correctional facility		Temperature reading taken on arrival at Court

SHOULD ONE OR MORE SYMPTOMS BE PRESENT, THE DETAINEE MAY NOT BE RELEASED INTO THE CUSTODY OF SAPS

SCREENED BY: \_\_\_\_\_ SCREENED BY: \_\_\_\_\_

DESIGNATION: \_\_\_\_\_ DESIGNATION: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_

OFFICIAL DATE STAMP: \_\_\_\_\_ OFFICIAL DATE STAMP: \_\_\_\_\_





### COVID-19 SCREENING CHECKLIST FOR WITNESSES IN CRIMINAL MATTERS

**DATE:**

Please mark the box with an X for no or a ✓ for yes

<b>NAME</b>	Contact with a confirmed/ presumptive COVID-19 case	Persistant coughing	Sore throat	Persistant sneezing	Shortness of breath	Vomiting	Loss of smell or loss of taste	Redness of the eyes	Diarrhoea, stomach cramps, nausea	Joint and muscle aches	Fatigue/ weakness	Fever/ Chills	Wearing mask	Temperature reading
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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8000

### CASEFLOW MANAGEMENT

#### TRIAL DATE / OPPOSED MOTION/ SEMI –URGENT DATE ALLOCATION

CASE NO	
PARTIES	
PLAINTIFFS / APPLICANTS ATTORNEYS	
DEFENDANT/ RESPONDENTS ATTORNEYS	
SEMI-URGENT DATE ASSIGNED	
REGISTRAR/ REGISTRARS CLERK	
SIGNATURE	

DATE STAMP

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE HIGH COURT)

UPLIFTMENT OF DOCUMENTS/REMOVAL OF COURT FILES

Case No : \_\_\_\_\_

Name of Parties

\_\_\_\_\_

Notice of Removal of documents form the court file:

1. Attorneys Firms details :

\_\_\_\_\_

2. Name and Tel No and email address of person who is removing the Document/file

Name and Surname: \_\_\_\_\_

Telephone Numbers: \_\_\_\_\_

Email Address : \_\_\_\_\_

3. Specify documents being uplifted and reason why file is requested

\_\_\_\_\_

4. Date which documents / file were removed:

\_\_\_\_\_

5. Signature of the person removing documents/ file

\_\_\_\_\_

6. Additional information: what roll is the matter on or what happened last:

\_\_\_\_\_

8 .Date Stamp and signature of person receiving the documents:

\_\_\_\_\_

NOTE: YOU MAY NOT REMOVE THE BROWN COVER FROM THE COURT EVEN  
THOUGH THE FORMS SAYS "REMOVAL OF COURTFILE" THIS IS ONLY FOR THE  
PURPOSES WITHIN THE COURT