



OFFICE OF THE DEPUTY JUDGE PRESIDENT

(HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, JOHANNESBURG)
OFFICE 1210

Telephone number: 010 494 8491

e-mail address: Secretarydj@judiciary.org.za / LTulleken@judiciary.org.za

NOTICE

TO:

1. Judges of the Gauteng Division, Johannesburg
2. Chief Registrar, Gauteng Division, Johannesburg
3. Secretariat – Judicial Case Flow Management, Office of the Chief Justice
4. Registrars – Gauteng Division of the High Court, Johannesburg
5. Legal Practice Council – Gauteng
6. Law Society of South Africa
7. Gauteng Family Law Forum
8. Gauteng Attorneys Association
9. Pretoria Attorneys Association
10. Johannesburg Attorneys Association
11. West Rand Attorneys Association
12. South African Black Women in Law
13. National Association of Democratic Lawyers
14. Black Lawyers Association
15. South African Women Lawyers Association
16. South African Medical Malpractice Lawyers Association
17. Personal Injury Plaintiff Lawyers Association
18. South African Medico-Legal Association
19. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
20. Office of the State Attorneys, Pretoria and Johannesburg
21. Solicitor General
22. Office of the Family Advocate, Pretoria and Johannesburg
23. Legal Aid South Africa
24. Johannesburg Society of Advocates
25. Pretoria Society of Advocates

26. **Gauteng Society of Advocates**
27. **Tshwane Society of Advocates**
28. **Pan African Bar Association of South Africa**
29. **General Council of the Bar of South Africa**
30. **National Bar Council of South Africa**
31. **South African Bar Association**
32. **National Forum of Advocates**
33. **North Gauteng Association of Advocates**
34. **Church Square Association of Advocates**
35. **Advocates for Transformation**
36. **Legal Division of the Department of Health: Gauteng**
37. **Legal Division of the Department of Sport, Arts, Culture and Recreation**
38. **Gauteng Department of Agriculture and Rural Development**
39. **Legal Services - Gauteng Provincial Department of Education**
40. **South African Board of Sheriffs**
41. **South African Sheriff Society**
42. **Road Accident Fund**

DATE : 26 March 2024

OUR REF : DJP/11/2012/lt

RE : **GENERAL NOTICE TO LEGAL PROFESSION:**
LEAD TIMES
URGENT COURT
SPECIAL INTERLOCUTORY COURT

Legal practitioners are requested to take note of the information in this notice.

Lead Time Bulletin

1. Attached to this notice is the lead time bulletin as at 28 March 2024, which describes the state of the roll planning.

Urgent motion court

2. The registrar has been reminded of the instruction issued some time ago not to enroll matters in the urgent motion court other than on a Tuesday. When a matter genuinely cannot wait until the next Tuesday, the senior urgent motion Judge must be approached to authorise it being enrolled on any other day in that week.

3. Further, it should be noted that there is no reason why a litigant should not enroll an urgent matter in a week later than the next week where it is appropriate to give a sensible time-period for a respondent to file an answer.

Special Interlocutory Motion Court

4. The essential role of this court is to overcome delay in the progress of a case.
5. Confusion continues to plague this court in respect the relief for which you can seek a compelling order. Thus, the following clarifications may be useful:
 - 5.1. A litigant cannot be compelled to call a witness. Therefore, despite an undertaking by a defendant to call an expert witness to rebut the plaintiff's expert witness, where the defendant backtracks, the aggrieved plaintiff cannot compel the undertaking to be fulfilled. Moreover, such failure to honour an undertaking need not delay progress of the case and it may be that the issue may become relevant to a special costs order.
 - 5.2. Similarly, in a case where an adversary refuses to sign a minute of a pre-trial conference because of a disagreement about the minute must be distinguished from mere dereliction or obstructiveness in delaying a signature. It may be preferable and more cost effective to simply declare to the registrar when seeking a set down date that the adversary neglects to sign for no good reason which conduct is merely calculated to cause a delay, whereupon the registrar shall issue the date without that signature. The obstructiveness of the adversary may be relevant to a special costs order in due course.

5.3. Para 27.11 in Directive 1 of 2024 has been the subject of a decided case interpreting the text. A copy is attached, *Peter v City of Johannesburg*, as yet unreported.

5.4. Para 27.14 in Directive 1 of 2024 has also been the subject of debate: this paragraph deals with the interaction of the Directive and Rule 37(3) (b) of the Rules of Court. The paragraph states that an order to compel a party to attend a pre-trial conference is subject to the Rule. The scope of the Rule is limited to an inability by the two litigants to agree a time and place to meet and the registrar is empowered to break the impasse. The Rule does not regulate the predicament where the adversary ignores a request to meet or refuses to meet; in such a case, a compelling order is appropriate, and Rule 37(3) (b) is not triggered.

6. At this time, refinements to Directive 1 of 2024 in respect of rule 43 applications and the mismatch between filing heads of argument and seeking a date in the opposed motion court are being addressed. Further clarifications shall be issued.

Yours faithfully

*Dictated by the Deputy Judge President
Electronically transmitted, therefore no signature*

**ROLAND SUTHERLAND
DEPUTY JUDGE PRESIDENT**

Annexures:

Annexure "A": Lead Time Bulletin for March 2024

Annexure "B": Judgment: Peter Tanya Millu v City of Johannesburg Metropolitan Municipality (Case No: 2021/25039)

ANNEXURE “A”

PLEASE UPDATE THIS SCHEDULE WITH THE ACTUAL SET DOWN DATES ISSUED IN THE WEEK 26 MARCH 2024.

GAUTENG DIVISION JOHANNESBURG, CASEFLOW TURNAROUND TIMES 22 January 2024
CURRENT

TYPE OF CASE	VOLUME SET DOWN	<i>LEAD TIME</i>	<i>EXACT DATE</i>
	PER WEEK	<i>TO SET DOWN DATE</i>	
FULL COURT CIVIL APPEALS	2-3	from moment applying for date - 1 -2 terms subject to available date slot on roll	
MAGISTRATES COURT CIVIL APPEALS	4	from moment applying for a date - 1 term	
OPPOSED MOTIONS ROLL	50	8 WEEKS	22 July 2024 +1 m
SPECIAL MOTIONS ROLL	1 - 2 MATTERS	1 - 2 TERMS	25 November 2024 +2m
URGENT MOTIONS ROLL	45-50 average	NOT APPLICABLE	
UNOPPOSED MOTIONS ROLL	600	3 months	23 May 2024 2 w
SPECIAL INTERLOCUTORY ROLL	no cap: 200+_	10 days notice (2 WEEKS)	22 April 2024 1 m
UNOPPOSED DIVORCES FRIDAYS ONLY	60	4 WEEKS	26 April 2024
CASE MANAGEMENT ROLL OF "Y" TRIALS		ABOLISHED WEF FROM TERM 1 2023	
SETTLEMENT COURT ROLL	12+- ave	1 WEEK CYCLE	25 April 2024
GENERAL CIVIL TRIALS ROLL			

" Y " CASES TRIAL ROLL (-RAF)	31 cases	3 years	25 August 2027
RAF DEFAULT JUDGMENT TRIAL ROLL	200	2 MONTHS	21 May 2024
NON"Y "CASES	11 cases	1 year 8 months	17 November 2026 (Minister of Police) 18 November 2024 (Divorce matters) 17 November 2025 (Other matters)
COMMERCIAL TRIALS ROLL	1-2 cases	AD HOC SET DOWN I TERM NOTICE	4 November 2024
LONG DURATION TRIALS ROLL	2 cases	AD HOC SET DOWN 1-2 TERM NOTICE	10 Day – 12 May 2025 15 Day – 28 October 2024
FAMILY COURT ROLL	50 to 60 cases	4 week cycle + urgent applications	15 April 2024
CRIMINAL TRIALS ROLL	19	2 MONTHS	
FULL COURT CRIMINAL APPEALS	1 case	5 - 6 MONTHS	
MAGISTRATES COURT CRIMINAL APPEALS	4-6 cases	4 MONTHS	
SPECIAL TAX COURT	1-3 cases	I TERM NOTICE	

ANNEXURE “B”

Judgment in the matter of PETER TANYA MILLU v CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY AND ANOTHER (CASE NO: 2021/25039)



Adobe Acrobat
Document