



MPUMALANGA DIVISION OF THE HIGH COURT PRACTICE DIRECTIVES

PARAGRAPH	SUBJECT MATTER	PAGE
	Preamble	1
1	General	2
1.1	Indexing and Pagination	2
1.2	Publication of Court Rolls	2 – 3
1.3	Virtual Court Hearings	3 – 4
1.4	Practice Notes	4 – 5
1.5	Matters <i>in Camera</i>	5
1.6	Stale Service	5
2	Management of undefended civil action matters	5 – 6
3	Management of defended civil action matters	6 – 8
4	Enrolment of civil action matters	8 – 10
5	Management and Enrolment of Opposed Motion Court Matters	11 – 13
6	Enrolment of unopposed motion court matters	13 – 15
7	Enrolment of applications for admission as Legal Practitioners	15 – 16
8	Enrolment of applications for suspension or strike-off from the roll of legal practitioners	16 – 17
9	Extension of <i>rule-nisi</i>	17
10	Urgent Motion Court applications	17 – 18
11	Management of POCA matters	18 – 19
12	Management of criminal matters	19 – 20

13	Settlements	20
14	Postponements	20 – 21
15	Criminal part-heard matters	21 – 22
16	Management of applications for leave to appeal	22
17	Management of criminal petitions	23
18	Enrolment and management of civil and criminal appeals	23 – 24
19	Management of reserved Judgments	24
20	Management of criminal review matters	24 – 25
21	Management of requests for default judgments	25 – 26
22	Management of taxation matters	26 – 27
23	Effective date of these practice directives	27

FORMS

Form	SUBJECT MATTER	PAGE
A1	Application for a trial date in an undefended civil action matter in terms of Rule 31(2) read with subrule 4	28 – 30
A2	First Judicial case management conference	31 – 34
A3	Certificate of trial readiness	35 – 36
B	Management order or directive in respect of opposed motion matters	37 – 40
C	Judicial case management of criminal matters	41 – 46
D	Allocation of date of hearing for an appeal matter	47 – 48
E	Notice of taxation	49



OFFICE OF THE CHIEF JUSTICE OF THE REPUBLIC OF SOUTH AFRICA

REVISED PRACTICE DIRECTIVES FOR THE MPUMALANGA DIVISION OF THE HIGH COURT

PREAMBLE

In terms of section 8(4)(b) of the Superior Courts Act 10 of 2013 ("The Act"), the management of judicial functions of each court is the responsibility of the Head of Court.

The provisions of section 8(4)(b), read with section 8(6) of the Act gives the Head of the Court the powers to regulate the conduct of proceedings and matters incidental thereto for an effective judicial case management in a Division of the High Court.

Therefore, the Revised Practice Directives for the Mpumalanga Division are hereby issued replacing all the previous practice directives. It is issued with immediate effect as follows:

1. **GENERAL**

1.1 **Indexing and Pagination**

- (a) All matters placed on the court roll including urgent applications, irrespective of the number of pages, shall be indexed and paginated.
- (b) Court papers shall be paginated consecutively from the first to the last page.
- (c) Should the number of pages of the court papers exceed 250, the papers shall be divided into bundles not exceeding 250 pages each.
- (d) A consolidated index shall be placed on top of the first court bundle's first page, and each bundle's index shall be placed on top of each relevant bundle.
- (e) Practice Notes, Heads of Argument, and draft orders shall not be bound together with the court papers and should therefore be kept separately and properly marked.

1.2 **Publication of Court Rolls**

- (a) After allocation of the matters, the office of the Registrar shall publish a court roll of such allocated matters on the notice board at the court's main entrance and also send it to the Provincial Legal Practice Council, Local Bar Councils, and Local Attorneys' Associations.

- (b) There shall be a further court roll prepared by the office of the Registrar showing all matters to be heard on a particular day. This court roll shall be published daily by no later than 16:00 of the day preceding the date of hearing.
- (c) All court rolls shall contain the details of the parties, case numbers, the Presiding Judges, and the respective Judge's Secretaries, as well as the Secretaries' telephone numbers and email addresses.

1.3 **Virtual Court Hearings**

- (a) In instances where the parties appear via virtual conferencing, the following directives shall apply:
 - i. The secretary of the Presiding Judge shall set up a link to be circulated to all parties or their legal representatives.
 - ii. The link shall be accompanied by the court roll of the Presiding Judge, indicating the estimated time for the hearing of each matter.
 - iii. Persons appearing without legal representation must be provided with a link. If such persons do not have access to virtual conferencing facilities, the secretary of the Presiding Judge shall assist in providing a virtual courtroom.
 - iv. Any person(s) other than the parties to the proceedings having an interest in any matter

conducted virtually may request the link to such proceedings from the secretary of the Presiding Judge.

- v. Member(s) of the media wishing to join any proceedings must submit a request for a link to the Presiding Judge through her/his secretary.
- vi. The requests for the links to the virtual court hearings as provided for in paragraphs 1.3 (a)(iv) and (v) shall be shared with the consent of the Presiding Judge to preserve the integrity of the proceedings.
- vii. The secretary of the Presiding Judge shall be responsible for the audio recording of the proceedings.

1.4 **Practice Notes**

- (a) A Practice Note shall be filed in all matters before the close of the court roll and must contain the following details:
 - i. The date of the hearing;
 - ii. The names of the parties;
 - iii. The case number and its number on the court roll;
 - iv. The names of the legal representative(s) and their contact details, *viz.* office telephone numbers, cellphone numbers and email addresses;
 - v. The pronouns preferred by parties and legal representatives in court address;
 - vi. The nature of the matter;
 - vii. Estimated duration of the hearing;

- viii. Whether or not the matter was previously postponed;
and
- ix. The reason(s) for the postponement(s), if applicable.

1.5 **Matters in Camera**

- (a) Matters involving minor children shall be heard *in camera*; and
- (b) Any other matter which, on successful request to the Judge President, Deputy Judge President, or a designated Judge shall also be heard *in camera*.

1.6 **Stale Service**

- (a) When an unopposed application is brought 6 (six) months or more after the date on which the summons or the application was served, and no intention to defend or notice of opposition was delivered, the applicant shall serve a notice of set down on the defendant(s) or respondent(s), as the case may be. The notice of set down shall set out the relief sought by the applicant.

2 MANAGEMENT of UNDEFENDED CIVIL ACTION MATTERS

- 2.1 In all undefended matters in which the claim(s) or any of the claim(s) is not for a debt or liquidated demand as provided for in Rule 31(2)(a), the plaintiff shall apply for a date with the office of the Registrar.

2.2 The application for a trial date shall be accompanied by a duly completed Form A1 of this Practice Directive.

3 MANAGEMENT of DEFENDED CIVIL ACTION MATTERS

3.1 Upon delivery of an appearance to defend, any of the parties will be at liberty to place their matters on the judicial case management court roll.

3.2 Depending on the status of the matter, there may be 2 (two) stages of the conferences, namely the first and second judicial case management conferences.

3.3 If during the first judicial case management conference, a matter is found to be trial-ready, the Presiding Judge will certify the matter accordingly by issuing the certificate of trial readiness, namely Form A3.

3.4 In the case of a matter found not to be trial-ready, during the first judicial case management conference, the Presiding Judge will adjourn the matter to the second judicial case management conference. The parties shall be required to complete Form A2 setting out the necessary timeframes and the date of the second judicial case management conference. The completed Form A2 shall be endorsed by the Presiding Judge.

3.5 The parties shall ensure that the date chosen for the second judicial case management conference is entered in the provisional court roll.

- 3.6 An issue not sufficiently catered for in Form A2, shall be stated on a separate paper or document to form part of the case management directive or order.
- 3.7 The parties and/or their legal representatives may agree to abridge the time frames provided for in the Uniform Rules of Court as contemplated in Rule 27(1).
- 3.8 A party may invoke the provisions of Rule 30A in the event of a defaulting party's failure to comply with the time frames set during any judicial case management conference.
- 3.9 No matter shall be certified trial-ready unless there is strict compliance with sub-rules (7); (8); (9) and (10) of Rule 37A and the case management Judge is satisfied that the timeframes set during a judicial case management conference have been complied with.
- 3.10 The court may at the hearing of the matter consider whether or not it is appropriate to make a special cost order against a party or such party's legal representative, for failure to attend a pre-trial conference; or failure, to a material degree, to promote the effective disposal of the litigation as provided in rule 37(9)(a)(i)-(ii).
- 3.11 Failure to attend a judicial case management conference or pre-trial conference amongst the parties, shall not detract the other party from having a matter judicially case managed with timeframes set for the parties including the defaulting party.
- 3.12 Only legal representatives with the right of appearance in the High Court shall be allowed to appear during judicial case management conferences.

- 3.13 The plaintiff and/or the plaintiff's legal representatives shall index and paginate the court file, no less than 2 (two) court days before the date of the judicial case management conference.
- 3.14 All judicial case management conferences shall be conducted via in-person court appearances.

4 ENROLMENT of CIVIL ACTION MATTERS

- 4.1 All civil trials, both defended and undefended as provided for in paragraphs 2 and 3 of this Practice Directive, will be enrolled for hearing on each Monday of the 2nd, 3rd, 5th, 6th, 8th and 9th weeks of each term.
- 4.2 The court roll shall close at noon on a Wednesday preceding two weekends before the date of the hearing. Should the Wednesday fall on a public holiday, the court roll shall close on the court day immediately before the said Wednesday of the close of the court roll. Whereafter, access to the court file shall not be allowed.
- 4.3 The Judge President, or the Deputy Judge President, or a designated Judge shall allocate civil trial matters via virtual court at 09:00 on the Friday after the close of the court roll. Should the Friday fall on a public holiday, the allocation shall be conducted on the first court day immediately after the said Friday. The office of the Registrar shall distribute the link for the virtual proceedings to all interested parties or the parties' legal representatives.
- 4.4 The office of the Registrar shall publish the final court roll no later than the day of the allocation of the Civil trial matters.

- 4.5 Only matters ready for commencement of trial to its conclusion shall be allocated for a hearing. Any matter which may affect the continuous running of the trial to its conclusion must be disclosed to the Presiding Judge before the commencement of the trial.
- 4.6 Once a matter has been allocated, all communication related to the said matter shall be directed to the Presiding Judge through her/his secretary by email, and all interested parties must be copied in such communication.
- 4.7 On the Monday of each civil trial week the Presiding Judge shall conduct a roll call of matters on her or his roll.
- 4.8 After engaging the parties on any relevant issue(s), the Presiding Judge may remove any matter from the court roll if she or he is not satisfied that the matter is ready for trial.
- 4.9 Should any party anticipate that the hearing of a matter will take a day or more, a request shall be made for a special allocation of a date of hearing. The request must be made on motivation jointly by the parties to the office of the Judge President within 20 (twenty) days from the date of certification of trial readiness.
- 4.10 Should any matter not be finalized within the allocated time, the Presiding Judge may postpone the matter to a date during the recess period, or under exceptional circumstances, order the matter to start *de novo*.
- 4.11 All hearings of civil trials shall be conducted via in-person court appearance.

- 4.12 Any party or legal representative wishing for a virtual court appearance shall submit a request to the Presiding Judge. The request may be for a fully virtual trial or a hybrid with some participants appearing in-person and others remotely.
- 4.13 The request as provided in paragraph 4.12, shall be served on all interested parties and submitted before the close of the court roll for consideration by the Presiding Judge.
- 4.14 A Presiding Judge who receives a request envisaged in paragraph 4.12, in making the determination, will consider amongst others, the following:
- (a) Issues relevant to the achievement of an effective hearing,
 - (b) Needs and convenience of the parties, witnesses, and the Judge,
 - (c) Fairness and transparency to all parties involved.
- 4.15 In the event that no order as to the separation of issues was made during the judicial case management conference as provided for in Rule 37A(12)(f), the parties may if they so wish, file an application in terms of Rule 33(4) before the close of the roll for consideration by the Presiding Judge.
- 4.16 Applications in terms of Rule 38(2) shall be filed before the close of the court roll for consideration by the Presiding Judge.

5 MANAGEMENT and ENROLMENT of OPPOSED MOTION COURT MATTERS

- 5.1 Opposed motion court matters shall be case-managed any time after delivery of the notice to oppose.
- 5.2 The matters shall be case managed by completion of Form B in consultation with the office of the Registrar for allocation of a date of hearing. The parties shall enter their particulars and the date allocated for the hearing in the opposed motion court provisional roll.
- 5.3 Only opposed matters which have been case-managed shall be enrolled for a hearing.
- 5.4 The parties and/or their legal representatives may agree to abridge the time frames set out in the Uniform Rules of Court as contemplated in Rule 27(1).
- 5.5 Should any of the parties not cooperate in the completion of Form B after being requested, and/or the parties fail to agree on any aspect(s) required in terms of Form B, a request may be made to the office of the Judge President for a judicial case management conference.
- 5.6 Any request to enrol a matter for judicial case management before a designated Judge shall be accompanied by an affidavit setting out the reasons for the exemption from the application of the provisions of paragraph 5.2. Such a request shall be served on all interested parties and thereafter be submitted to the office of the Judge President.
- 5.7 Should the Judge attending to the allocation of matters, at the close of the court roll, be satisfied that a matter is ripe for a hearing, she/he

shall allocate the matter to any of the Judges on the opposed motion court roll.

- 5.8 Opposed motion court applications shall be enrolled to be heard at 10:00 every Tuesday and Thursday of the motion court weeks, being the 1st, 4th and 7th weeks of every term.
- 5.9 The court roll shall close at noon on a Wednesday two weekends before the date of the hearing. Should the Wednesday fall on a public holiday, the court roll shall close on the court day preceding the Wednesday of the close of the roll.
- 5.10 Allocation of opposed motion court matters shall be conducted on a Wednesday after the close of the court roll by the Judge President, or the Deputy Judge President, or a designated Judge. The office of the Registrar shall publish the final court roll no later than Thursday following the Wednesday of the close of the court roll.
- 5.11 Should for any reason, during allocation, a matter be found not to be ready for a hearing, such matter shall then be judicially case managed at 9:00 on the Friday after the Wednesday of the close of the court roll. Should the Friday fall on a public holiday, the judicial case management conference will be conducted on the first court day immediately after the said Friday. The proceedings shall be conducted via virtual court appearances.
- 5.12 Upon allocation of the matters to the Judges on the opposed motion court roll, the Presiding Judge may direct the parties to file supplementary written heads of argument on any issue the Judge may deem necessary.

- 5.13 The hearing of opposed motion court matters shall be conducted via in-person court appearance. Should any party or her/his legal representative(s) wish for a virtual court appearance, she/he shall submit a request to the Presiding Judge. Such a request shall be served on all interested parties and filed before the close of the court roll for consideration by the Presiding Judge.
- 5.14 The parties will be at liberty to dispense with any form of appearance for submission of oral argument for, amongst others, convenience and/or in the interests of justice. The parties shall then be required to file an “oral written argument document” of not more than 5 (five) pages in which issues are dealt with succinctly.
- 5.15 The option of dispensing with any form of appearance for submission of oral argument, if preferred, shall be indicated in the parties’ joint Practice Note.
- 5.16 Should any party anticipate that the hearing of a matter will take a day or more, a request shall be made for a special allocation of a date of hearing. The request must be made on motivation jointly by the parties to the office of the Judge President.

6 ENROLMENT of UNOPPOSED MOTION COURT MATTERS

- 6.1 Unopposed motion court applications shall be heard at 10h00 on Mondays and Fridays of the 1st, 4th and 7th weeks of every term.
- 6.2 Unopposed motion court proceedings will be conducted via in-person court appearances.

- 6.3 A party wishing for a virtual court appearance shall submit a written request to the Presiding Judge. Such a request shall be filed at the close of the court roll for consideration by the Presiding Judge.
- 6.4 Any party may, in the interest of justice and/or for convenience, opt to dispense with any form of appearance for submission of oral argument. Such an option shall be indicated in the Practice Note.
- 6.5 A Practice Note and the draft order shall be placed on top of the bundle of the indexed and paginated papers.
- 6.6 Any matter not noted in the unopposed motion court provisional roll shall not be allocated to a Judge at the close of the court roll.
- 6.7 The close of the court roll shall be at noon on a Monday and Friday preceding the hearing on the following Monday and Friday respectively, of the motion court week.
- 6.8 Should the Monday and/or Friday of the close of the court roll fall on a public holiday, the roll shall close on the court day preceding the Monday and/or Friday of the close of the roll, whichever is applicable.
- 6.9 No matter shall be postponed *sine die*.
- 6.10 Uncontested divorce matters shall be enrolled on the unopposed motion court roll. The Plaintiff or the Defendant may elect to lead oral evidence, alternatively the evidence may be given on affidavit.
- 6.11 Summary judgments and Rule 43 applications, whether opposed or not, shall be enrolled on the unopposed motion court roll,

provided any such opposed applications shall not exceed 5 (five) matters on a particular court roll.

6.12 Should any party indicate her/his intention to oppose, the matter shall continue to be treated as an unopposed matter until the delivery of an answering affidavit.

7 ENROLMENT of APPLICATIONS for ADMISSION as LEGAL PRACTITIONERS

7.1 The applications for admission as Legal Practitioners shall be enrolled on Fridays of the motion court week before 2 (two) Judges.

7.2 The hearings of the admission applications shall be via the in-person court appearance of the applicants and their legal representatives.

7.3 Any party wishing for a virtual court appearance shall submit a request to the Presiding Judges. The request shall be filed with the Practice Note at the close of the court roll for consideration by the Presiding Judges.

7.4 Should the hearing be conducted via virtual court proceedings:

(a) the applicant shall contact the Senior Judge's secretary at least 2 (two) days before the date of hearing of the application to uplift the oath to be signed during the admission proceedings.

(b) The applicant shall file the signed oath within 24 (twenty-four) hours of admission.

- 7.5 An Attorney or a Trust Advocate for the applicant shall file an affidavit confirming that she/he has examined related documents such as the applicant's ID, and qualifications, and that such documents are authentic.
- 7.6 A Candidate Legal Practitioner for admission as an attorney shall be appropriately dressed but not wear a robe as attorneys do not automatically enjoy a right of appearance in the Superior Courts. A candidate for admission as an advocate shall be robed and dressed in an advocate's gown, black dustcoat, white shirt, and bib. A candidate for admission as a notary and/or a conveyancer who enjoys the right of appearance as contemplated in Section 25(3) of the Legal Practice Act read with Rule 20.6, shall be robed and dressed in an attorney's gown, black dustcoat, white shirt, and bib.

8 ENROLMENT of APPLICATIONS for SUSPENSION, or STRIKE-OFF FROM THE ROLL of LEGAL PRACTITIONERS

- 8.1 All applications for a suspension, or striking-off from the roll of Legal Practitioners shall be heard before 2 (two) Judges.
- 8.2 The applications for a suspension, or striking-off of Legal Practitioners shall be enrolled on a Monday of the motion court week and the date of hearing shall be arranged with the Registrar.
- 8.3 The necessary court papers for a panel of 2 (two) Judges shall be indexed and paginated no later than 10 (ten) court days before the date of hearing.
- 8.4 If such a matter is heard in the urgent motion court, it will be treated in line with the rules of urgency as set out in paragraph 10 of this Practice

Directive. Should the Presiding Judge be satisfied on the issue of urgency as well as the merits of the matter, an interim relief should be granted pending confirmation on the return date. Such *rule nisi* shall be returnable before a panel of 2 (two) Judges subject to the provisions of paragraph 8.3 of this Practice Directive.

9 EXTENSION of a *RULE-NISI*

- 9.1 No *rule nisi* shall be extended more than twice without good and compelling reasons.
- 9.2 A return date in respect of a *rule nisi* shall be a date on the unopposed motion court roll.
- 9.3 As soon as the respondent indicates her/his intention to oppose the confirmation of the *rule nisi*, on the return day the matter shall be case managed by completion of Form B, and the *rule nisi* shall be extended to the opposed motion court roll.

10 URGENT MOTION COURT

- 10.1 Urgent applications shall be heard at 10:00 on every Tuesday of each week. Should the Tuesday fall on a public holiday, the hearings shall be held on the court day immediately after that Tuesday.
- 10.2 The court roll for the matters enrolled to be heard on Tuesday at 10:00 shall close at noon on the Thursday of the preceding week. Should a Thursday fall on a public holiday, the roll shall close on the court day preceding the Thursday of the close of the roll.

- 10.3 Only in exceptional circumstances shall an urgent application be enrolled to be heard on a day and time other than 10:00 on a Tuesday.
- 10.4 The applicant in the founding affidavit must set out facts that justify the bringing of the application on a date and time other than 10:00 on a Tuesday as set out in paragraphs 10.1 and 10.2 above.
- 10.5 If a party brings an urgent application on any day and/or time outside the ordinary court hours and/or over the weekend, the secretary of the Judge on the urgent court roll, must be contacted on the urgent court's cellular phone number: Mbombela (Main Seat) 082 371 5548 and Middelburg (Local Seat) 082 371 7597.
- 10.6 Every urgent application shall irrespective of the number of pages be indexed and paginated at the time papers are issued and the index and pagination shall be updated accordingly before the hearing of the matter.
- 10.7 The proceedings in the urgent court shall be conducted via in-person court appearances unless directed otherwise by the Presiding Judge in respect of hearings scheduled for after-court hours.

11 MANAGEMENT of POCA MATTERS

- 11.1 *Ex parte* applications in terms of sections 26 and 38 of the Prevention of Organised Crime Act, 121 of 1998 ("POCA") will be allocated as chamber work.

- 11.2 The Applicant and/or its legal representative shall file a Practice Note and a draft order together with the application.
- 11.3 The Judge allocated to deal with the application shall give direction(s) as to the date and time which she or he will consider the application, and the secretary of the concerned Judge shall advise the applicant and/or its legal representative accordingly.
- 11.4 Once the *ex parte* application has been considered by the Judge, the outcome of such application shall be communicated to the Applicant and/or its legal representative through the Judge's secretary using the details provided in the Practice Note.

12 MANAGEMENT OF CRIMINAL MATTERS

- 12.1 No criminal matter shall be allocated to a Judge for trial unless such a case has gone through a judicial case management conference before a Judge designated by the Judge President or Deputy Judge President.
- 12.2 The judicial case management conferences shall be conducted via in-person court appearances on a Friday of the first week of the recess period in respect of the criminal matters scheduled to be heard in the following term.
- 12.3 The accused or her/his legal representative and the Prosecutor on behalf of the State shall, during the judicial case management conference, submit a completed Form C of this Practice Directive.
- 12.4 Court hours must be observed at all times and all criminal trials shall start at 09:00.

- 12.5 Stand-downs or adjournments of criminal trial hearings should be avoided. For this purpose, it is important for both the State and the Defence to properly prepare in advance to avoid unnecessary stand-downs and adjournments during the trial proceedings.

13 SETTLEMENTS

- 13.1 The parties must inform the Presiding Judge as soon as a matter becomes settled.
- 13.2 Should a matter become settled after the issuing of the court papers but before allocation to a specific Judge, the parties must inform the office of the Registrar accordingly.
- 13.3 Matters envisaged in paragraph 13.2 above shall be allocated as soon as reasonably and practically possible, depending on the availability of a Judge.
- 13.4 All applications for settlement agreements to be made orders of the court, where applicable, must comply with the provisions of section 4(1) of the Contingency Fees Act No. 66 of 1997.

14 POSTPONEMENTS

- 14.1 There shall be no postponement of matters *sine die*.
- 14.2 Matters shall remain on the appropriate court roll until finalized in their entirety.

- 14.3 Should there be a need for a postponement, the matter shall be further case managed by being referred to the office of the Registrar for a date on the case management court roll. But should the Presiding Judge find the matter to be ready for a hearing, the matter may be postponed to a specific date for a hearing. In these circumstances, the parties or their legal representatives shall enter the particulars of such matter in the relevant provisional court roll before the postponement is so ordered by the court.
- 14.4 Any request for a postponement shall be on a substantive application to be enrolled for hearing on the date of hearing that is sought to be postponed. If the application is refused, the matter will proceed and if the application is granted, the matter will be case-managed on that day.
- 14.5 Where an application is enrolled on the unopposed motion court roll as an interlocutory application and the main action or application is not yet enrolled, for example, an application to compel, and the other party complies before the hearing of the interlocutory application, the matter shall not be removed from that roll. Instead, the date of enrolment for the interlocutory application shall be used to case manage the main matter unless it has already been case managed.

15 CRIMINAL PART-HEARD MATTERS

- 15.1 All part-heard matters shall be postponed to a specific date during recess or term. The enrolment of criminal part-heard matters during recess or term, shall be arranged with the DPP Roll Planner in consultation with the Secretary of the Judge President. This shall be done to avoid congestion during recess or term. A criminal part-heard matter may be postponed to a date during the term provided that the

Judge concerned would still be on the criminal court roll during that particular term and the part-heard matter will not interfere with the applicable main roll.

16 MANAGEMENT of APPLICATIONS for LEAVE to APPEAL

- 16.1 A party applying for leave to appeal shall file the application for leave to appeal together with the judgment intended to be appealed. Where a judgment was delivered *ex tempore*, it shall be the responsibility of the party noting the application for leave to appeal to have the judgment transcribed.
- 16.2 As soon as the application for leave to appeal is filed, the Registrar shall forward the papers to the Secretary of the Judge who dealt with the matter. The Secretary in consultation with the Judge concerned shall as soon as possible schedule the application on any court day at 09:00 or any other convenient time not impacting the daily court roll.
- 16.3 The application must be served on all interested parties before filing with the Registrar. Where the application for leave to appeal is delivered late, it must be accompanied by a substantive application for condonation.
- 16.4 Should the Judge who dealt with the matter not be readily available, the application may be heard by another Judge designated by the Judge President or Deputy Judge President in which case, the Judge who dealt with the matter, where possible, may be consulted for her/his view on the application.

17 MANAGEMENT of CRIMINAL PETITIONS

- 17.1 Every petition from the District or Regional Magistrate's Court shall be considered in chambers by 2 (two) Judges.
- 17.2 The Registrar shall within 2 (two) days upon receipt of copies in duplicate of any petition matter, prepare the file and allocate same to two available Judges.
- 17.3 The Judges considering the petition shall expeditiously attend to the matter and dispose of such a petition within 10 (ten) days from the date of allocation.

18 ENROLMENT and MANAGEMENT of CIVIL and CRIMINAL APPEALS

- 18.1 Any party bringing an appeal shall approach the Registrar with the following documents:
- (a) Record of appeal;
 - (b) Order for leave to appeal (where applicable);
 - (c) Heads of argument;
 - (d) If there is no cooperation with the filing of heads of argument by either of the parties, then one set of heads of argument will suffice.
- 18.2 The Registrar shall allocate a date and a case number and communicate such information and further directives in the Form D of this Practice Directive, to the party bringing the appeal accordingly.

18.3 The hearing of appeal matters will be conducted via in-person court appearance.

18.4 Any party or legal representative wishing for a virtual court appearance, shall notify all interested parties and submit a request to the panel of Judges. The request shall be submitted at least 7 (seven) court days before the date of hearing for consideration by the panel of Judges.

18.5 The parties are at liberty to opt to dispense with any form of appearance for submission of oral argument. Such an option shall be indicated in a joint Practice Note to be filed no later than 7 (seven) court days before the hearing for consideration by the panel of Judges.

19 MANAGEMENT of RESERVED JUDGMENTS

19.1 Any reserved judgment shall be delivered within a reasonable time but no later than 3 (three) months from the date it was reserved.

20 MANAGEMENT of CRIMINAL REVIEW MATTERS

20.1 All criminal review matters from the District or Regional Magistrate's Courts shall be filed with the Registrar.

20.2 The Registrar shall allocate it to be considered in chambers by a single Judge within 2 (two) days upon receipt of any review matter.

20.3 Review matters shall be dealt with expeditiously and disposed of within 7 (seven) days by a Judge to whom such a matter is allocated.

- 20.4 Should the proceedings be found to be in accordance with justice, the Judge will make the necessary endorsement.
- 20.5 Should the proceedings be found to might not have been in accordance with justice, the Judge concerned shall request the Magistrate to comment on her or his concerns regarding the proceedings.
- 20.6 Should the Judge concerned or any Judge upon receipt of comments by the Magistrate still not be satisfied that the proceedings or part thereof were in accordance with justice, the Director of Public Prosecutions shall be asked for a comment. For this purpose, the transcribed record of the proceedings, queries raised with the Magistrate, and comments thereto shall be provided to the Director of Public Prosecution.
- 20.7 A judge who had previously dealt with the matter and referred it to either the Magistrate or the Director of Public Prosecutions for comment is not necessarily seized with the matter, and such a matter may be reallocated to any other available Judge.
- 20.8 Should the Judge find that the conviction and/or sentence ought to be set aside and/or substituted, judgment shall be prepared to be co-signed by another Judge who may so agree.

21 MANAGEMENT of REQUESTS for DEFAULT JUDGMENTS

- 21.1 The request for default judgment to be considered by the Registrar shall be attended to within 14 (fourteen) days from the date of filing of such a request.

- 21.2 Any party whose request for default judgment is unduly delayed may report such a delay to the office of the Judge President or Deputy Judge President.
- 21.3 Queries raised by the Registrar regarding the requests for default judgments filed, must be attended to by the party or party's legal representative at least within 5 (five) days upon receipt of such a query.
- 21.4 It shall be the responsibility of the parties or their legal representatives to check the status of the request at least 14 (fourteen) days after the date of filing.

22 MANAGEMENT of TAXATION MATTERS

- 22.1 Every bill of costs, submitted or filed with the Registrar, shall be enrolled for taxation within 21 (twenty-one) days from the date of filing.
- 22.2 The Taxing Master shall not proceed with taxation and consider the bill of costs unless she or he is satisfied that the party liable to pay same has received due notice as to the time and place of such taxation as contemplated in Rule 70 (3B).
- 22.3 Should a notice of objection or opposition to the bill of costs be filed, the specific items objected to and the grounds of the objection shall be set out in such notice.
- 22.4 Any party in whose favour costs have been awarded, shall file Form E of this Practice Directive, a notice of taxation as well as a bill of costs.

22.5 Any party whose taxation is unduly delayed may report the delay to the office of the Judge President or Deputy Judge President.

23 EFFECTIVE DATE of THESE PRACTICE DIRECTIVES

23.1 The revised practice directives shall apply with effect from the **04th November 2024**.

THUS DATED AND SIGNED ON 30th DAY OF OCTOBER 2024 AT MBOMBELA.



**JUDGE S S MPHAHLELE
JUDGE PRESIDENT,
MPUMALANGA DIVISION OF THE HIGH COURT**

FORM A1



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Plaintiff(s)**

and

.....**Defendant(s)**

**APPLICATION FOR A TRIAL DATE IN AN UNDEFENDED CIVIL ACTION
MATTER
IN TERMS OF RULE 31(2) READ WITH SUBRULE 4**

1. It is confirmed that the matter is undefended in that:
 - 1.1 The defendant has not filed a notice of intention to defend, or
 - 1.2 The defendant has filed a notice of intention to defend, but has since been *ipso facto* barred to plead.

2. Date of issue of Summons :

3. Date of Service of Summons :

4. Nature of the Claim :
.....

5. Details of Witnesses:

5.1 List of Witnesses:

.....
.....
.....
.....
.....
.....

5.2 Attach the summary of the evidence of each witness.

5.3 Estimated duration of hearing:

6. Any other issue that is not addressed in this form impacting the progress of the matter shall be stated hereunder as follows:

.....
.....
.....
.....

7. An issue not sufficiently catered for in this form, shall be stated on a separate paper or document.

PARTICULARS OF LEGAL REPRESENTATIVES:

PLAINTIFF(S)

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

TO BE COMPLETED BY THE OFFICE OF THE REGISTRAR

1. The case is hereby enrolled for hearing during the trial week of as matter number on that roll.
2. The Court file shall be indexed and paginated as provided for in paragraph 1.1 of the Practice Directives.

NAME OF THE OFFICIAL :

SIGNATURE :

DATE :

FORM A2



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Plaintiff(s)**

and

.....**Defendant(s)**

FIRST CASE MANAGEMENT CONFERENCE

Before the Honorable Judge:Date:

1. This matter is case managed by the judicial officer.

2. The matter is enrolled for the second case management conference on
.....as matter number..... on that roll.

2.1. On the date in question the court will commence at 9:00 for case management.

3. The Defendant(s) shall file the Plea(s) and Counter claim, where applicable, no later than

4. The Plaintiff(s) shall file the Plea(s) in Reconvention, where applicable, no later than

5. The Plaintiff(s) shall file the Replication, where applicable, no later than

6. The Plaintiff(s) shall file all expert(s) reports, where applicable no later than

7. The Defendant(s) shall file all expert(s) reports, where applicable no later than

8. The Parties shall file joint minutes by both experts, where applicable by no later than

9. The Parties shall hold a meaningful pre-trial meeting as required by Rule 37, no later thanand thereafter file the pre-trial minutes no later than.....

10. The parties shall indicate if there are any outstanding decision(s) from any regulatory body impacting the progress of the matter:
.....
.....
.....
.....

11. The Court file shall be indexed and paginated as provided for in paragraph 1.1 of the Practice Directives.
12. Any settlements shall be regulated in accordance with paragraph 13 of the Practice Directives.
13. Any postponement shall be regulated in accordance with paragraph 14 of the Practice Directives.
14. Any other issue that is not addressed in this form impacting the progress of the matter shall be stated hereunder as follows:
.....
.....
.....
.....
15. As envisaged in paragraph 3.6 of the Practice Directive, an issue not sufficiently catered for in this form, shall be stated on a separate paper or document to form part of the case management directive or order
16. Do the parties agree to the Case Management Judge presiding over the trial of this matter as envisaged in Rule 37A(15)?

Yes / No

PARTICULARS OF THE LEGAL REPRESENTATIVES:

PLAINTIFF(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

DEFENDANT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

FORM A3



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Plaintiff(s)**

and

.....**Defendant(s)**

CERTIFICATE OF TRIAL READINESS

1. This matter is hereby certified trial ready during the first /second judicial case management conference.
2. The matter is hereby enrolled for a hearing during the trial week ofas matter number of that roll.
3. The Court file shall be indexed and paginated as provided for in paragraph 1.1 of the Practice Directives.

PARTICULARS OF THE LEGAL REPRESENTATIVES:

PLAINTIFF(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

DEFENDANT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

FORM B



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**Applicant(s)**

and

.....**Respondent(s)**

**MANAGEMENT ORDER OR DIRECTIVE IN RESPECT OF
OPPOSED MOTION MATTERS**

1. This matter is case managed after notice to oppose was filed on
.....
2. The date of hearing is hereby determined and agreed upon by the parties or parties' legal representatives as theof.....20..... at 10:00.
3. The parties or parties' legal representatives hereby agree and determine their own time frames as follows:

3.1 That answering affidavit shall be delivered by no later than
.....

3.2 That the replying affidavit shall be delivered by no later than
.....

3.3 That the applicant's heads of argument shall be delivered by no later than
than
.....

3.4 That the respondent's heads of argument shall be delivered by no later than
than
.....

4. The court file shall be indexed and paginated as provided for in paragraph 1.1 of the Practice Directives.

5. Any settlements shall be regulated in accordance with paragraph 13 of the Practice Directives.

6. Any postponements shall be regulated in accordance with paragraph 14 of the Practice Directives.

7. It is further recorded that any further affidavits shall only be filed and considered if sanctioned by the court.

8. Any other issue that is not addressed in this form impacting the progress of the matter shall be stated hereunder as follows:

.....

.....
.....
.....

9. An issue not sufficiently catered for in this form, shall be stated on a separate paper or document.

PARTICULARS OF THE LEGAL REPRESENTATIVES:

APPLICANT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

RESPONDENT(S):

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

FORM C



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....**The State**

and

.....**Accused**

JUDICIAL CASE MANAGEMENT OF CRIMINAL MATTERS

1. Legal Representation for the accused:

Private Defence:

Legal Aid Board:

1.1 Is the Defence legal representative fully instructed financially or have made adequate arrangements for the fees? (Not Applicable if represented by the Legal Aid Board):

Yes

No

1.2 Has the Defence legal representative consulted with the accused?

Yes

No

1.3 If not, furnish the reason(s) and the plans for the consultation before the commencement of the trial:

.....
.....
.....

1.4 Is the Defence ready to proceed with the trial?

Yes

No

1.5 If not, furnish reasons for the unreadiness:

.....
.....
.....

2. Trial readiness in respect of Accused:

2.1 How will the accused plead to the charge(s)?

Guilty

Not Guilty

2.2 If not guilty, will the accused make a plea explanation as envisaged in section 115 of the Criminal Procedure Act (no. 51 of 1977)? If yes, what is the basis of the defence:

(NB! The accused is informed of the right to remain silent and not make a plea explanation.)

Defence:
.....
.....
.....

2.3 In what language does the accused wish to have the trial conducted (the language he understands)?

Defence:

2.4 How many witnesses is the State intending to call? (Specify as to how many are eye witnesses, formal or expert witnesses):

State:
.....
.....

2.5 A separate list, if not contained in the indictment, should be provided to the Defence, reflecting the names of all witnesses and summary of the evidence they shall give at trial.

Has the Defence been provided with this list?

Yes

No

2.6 Is the accused going to make admissions? If so, what evidence would be admitted?

Defence:
.....
.....
.....

2.7 Is there any piece of evidence discovered / disclosed by the State whose admissibility is disputed by the Defence, requiring a trial-within-a-trial? If so, specify the nature of evidence and the reasons thereof:

Defence:
.....
.....
.....
.....

2.8 Is the Defence intending to call witnesses? If so, how many?

Defence:
.....
.....

2.9 Does the Defence require assistance from the State to secure the presence of the Defence witnesses? If so, specify the names, addresses and contact details of such witnesses:

Defence:
.....
.....
.....
.....

2.10 In what language will the Defence witnesses testify:

Defence:

2.11 Parties are informed that the trial is expected to proceed to the end or verdict (the running roll) and that no new trial shall commence until this one has reached the verdict.

2.12 How long is the trial expected to last?

State :

Defence :

2.13 Do the parties have any objection to the case management Judge presiding over the trial of this matter?

State :

Defence :

NB! Parties are informed that should there be a request for a postponement on the trial date, it should be a substantive application giving full reasons for the application. No such application shall be granted lightly. The court may, upon hearing such application, also make an adverse order against any party including, but not limited to, ordering that a trial proceed without a legal representative, removing the matter from the roll, reporting the conduct of the legal practitioner to the Legal Practice Council for further inquiry, etc.

PARTICULARS OF LEGAL REPRESENTATIVES:

Appearing on behalf of the State :

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Appearing on behalf of the accused:

Name of person appearing :

Telephone/ cellphone no :

Email Address :

Attorneys of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

FORM D



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....Appellant(s)

and

.....Respondent(s)

ALLOCATION OF DATE OF HEARING FOR AN APPEAL MATTER

1. The matter is hereby allocated the date of hearing for

.....

NB! The appellant shall notify all interested parties of the date allocated for the hearing of this appeal

2. Any outstanding Heads of Argument shall be delivered no later than 10 court days of the date of hearing of the appeal.
3. The Court file shall be indexed and paginated as provided for in paragraph 1.1 of the Practice Directives.

PARTICULARS OF THE LEGAL REPRESENTATIVES:

APPELLANT(S):

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

RESPONDENT(S):

Attorney(s) of record (Law firm) :

Telephone/ cellphone no :

Email Address :

Physical Address :

.....

FORM E



**IN THE HIGH COURT OF SOUTH AFRICA, MPUMALANGA
DIVISION, MBOMBELA (MAIN SEAT) / MIDDELBURG (LOCAL
SEAT)**

CASE NO.

In the matter between:

.....Plaintiff(s) / Applicant(s)

and

.....Defendant(s) / Respondent(s)

NOTICE OF TAXATION

BE PLEASED TO TAKE NOTICE that the attached bill of costs will be submitted to the Taxing Master for taxation on..... at 09h30 or soon before the bill of costs may be considered.

BE PLEASED TO TAKE FURTHER NOTICE that the requirements for consideration of the bill of costs for taxation in terms of Rule 70 read with paragraph 22 of the Practice Directive to which this FORM E is attached have been complied with.

THUS SIGNED AND DATED AT ON THIS DAY OF
20.....

Attorney(s) of record (Law firm)