



IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION PRETORIA)
(TRIALS / SPECIAL INTERLOCUTORY COURT ROLL)

28 NOVEMBER 2024

BEFORE THE HONOURABLE MADAM JUSTICE (KHUMALO J)

JUDGE'S SECRETARY: Ellick Van Der Merwe

CONTACT NUMBER: (012) 492 6727

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1. **MAJOLA P B** **VS** **RAF** **11138/18**
Notes: Application to compel compliance with Rule 35 (1) (6) (8) Notice – served on 07 August 2024 – Order served on 1 November 2023 - Notice of set down served on 1 November 2024
Order: The Draft Order on case line 008-3-4 with ordinary costs on Scale A is made an order of court
Ms N F Nkosi

2. **NYABANE S L** **VS** **MINISTER OF HEALTH** **41722/21**
Notes: Application to strike out defence for non-compliance with 14 June 2023 court order to reply to Rule 35 (3)and (6) Notice served on 9 February 2024 with no set down date- Notice of set down served on 25 October 2024
Order: Draft Order on caseline 014-1-2 with costs on a party and party scale is made an order of court
Adv /Ms Shingange

3. **SIBIYA N H** **VS** **RAF** **33827/19**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e)to reject or accept the serious injury assessment report- Notice of set Down served on 29 October and emailed on 5 November 2024
Order: **The Draft Order on caseline 030- 4-6**
Mr Modiba

4. **HLATSHWAYO S** **VS** **RAF** **29914/18**
Notes: Application to compel delivery of Discovery Affidavit and on failure the Defendant's defence to be ipso fact struck - DRAFT ORDER AMENDED to exclude the striking out.- Application served on 17 October 2024 - Notice of set down served on 7 November 2024
Order: The Draft order on case line 1B-1-3 is made an order of court
Mr Scott **scott@selegal.co.za**

5. **THEUNISSEN J** VS **RAF** **39871/15**
Notes: Application to strike out defence for failure to attend pre-trial conference on the date and time allocated by the Registrar – Application served by email on 26 June 2024- Notice of set down served on 24 and 25 October 2024 - No court order to compel compliance obtained, therefore no cause for the defence to be struck (Unless failure to comply with court order)
Order: Matter removed from the roll
Adv Keijser
6. **MKHWANAZI E S** VS **RAF** **30742/17**
Notes: Application to compel compliance with Reg 3 (3) (c) and (d) to reject or accept the serious injury assessment report – Application served on 18 September 2024 and Notice of set down served on 29 October 2024 by hand- No Draft Order on case line
Order: No Draft Order on caseline – Order granted as prayers 1 , 2 and 3 of the Notice of Motion bar costs to be on Scale A is made
Adv Coertze
7. **SEIMELA N A** VS **RAF** **35140/14**
Notes: Application to compel Discovery – served on Notice of set down served on 25 October 2024
Order: Draft Order on case line 004-9-10 with costs on Scale A Is made an order of Court
Adv Raphuti
8. **KHEBEZA A N** VS **RAF** **17750/19**
Notes: Application to strike out defence for failure to comply with order to compel compliance with Rule 35 and 37 Notices – Application served on
Order: Draft Order on case line 0-7-8 with costs on Scale A is made an order of court
Adv Diederichs
9. **ANTHONY A L OBO M M SEPTEMBER** VS **RAF** **99768/15**
Notes: Application to strike out Defence for failure to comply with Court order of 13 November 2023 served on Defendant on 15 May 2024 to attend a pre-trial conference – Application served on 6 June 2024- Notice of set down not served – No Practice Note and No Draft Order filed
Order: Matter removed from the roll
UNDER CONSIDERATION
10. **TSHABALALA L K + 1 OTHER** VS **RAF** **54544/17**
Notes: Application to strike out defence for failure to attend pre-trial conference on a date allocated by the Registrar- Application served by hand on 11 September 2024 and by email on 10 September 2024
Order: The amended Draft Order on case line 009-3-4 is made an order of court.
Adv Engelbrecht
11. **MUSHAVHELE M P OBO SELF & R T + 1 OTHER** VS **RAF** **67789/12**
Notes: Application to strike out Defendant’s defence for failure to comply with court order of 26 April 2024 compelling a reply to the Rule 35, 37 and 41A Notices- Order served on 4 June 2024 – Application served on – Notice of set down served on 31 October 2024
Order: The draft order on case line 12-26-27 with costs to be on Scale A, is made an order of court
Adv Pather

12. **MUKOMA C P OBO DIAGO L J S** VS RAF **45241/21**
Notes: Application to compel Discovery and Reply to Rule 21 Notice – and for ipso facto striking out of defence on failure to comply – Application served on 6 August 2024 by email- Notice of set down served on 25 October 2024
Order: The draft order on case line 12.2-12-14 bar prayer 2.1 is made an order of court with cost on a party and party scale, Scale A
Adv Keet
13. **CIMELA J** VS RAF **3196/2017**
Notes: Application to strike out defence for failure to comply with court order of 31 January 2022 to hold a pre-trial conference – Application served on 8 March 2024 – Notice of set down served on 14 November 2024- No Draft Order uploaded
Order: The Application granted as per prayers 1, 2, 3 and 4 of the Notice of Motion
Adv Matlou
14. **PHALAFALA J OBO K E** CAN'T OPEN VS RAF **30991/08**
Notes: STANDS DOWN
Order:
Adv
UNDER CONSIDERATION
15. **MPILA S T** VS RAF **53410/16**
Notes: Application for Judicial Review setting aside HPSCA decision refusing the assessment – Application served on 2nd Respondent on 31 October 2024 and referral to new appeal tribunal with date of set down on 28 November 2024 – Service of Application effected on all the other cited parties –Notice of set down served on 1st Respondent on – **No Draft order**
Order: **No Draft Order - Order to be granted in terms of Prayers 1, 2, 3, 4, 5 and 6 of the Notice of Motion, with costs to be on the ordinary scale including costs of two Counsels**
Adv Coertze
16. **SEBOLA V M** VS RAF **48807/18**
Notes: Application to strike out Defendant's defence for failure to comply with court order obtained on 15 September 2023 to attend a pretrial conference and file its Discovery – Court order served on 9 October 2023 - Application served on 1 July 2024 – Notice of set down served on 28 October 2024
Order: Draft order on case line 12.2-29-31, bar the costs to be on an ordinary scale and Scale B of the Rule 69 amendment
Adv FDW Keet
17. **MOLOI T D OBO MINOR** VS RAF **32938/11**
Notes: Application to strike out defence due to failure to comply with court order of 19 April 2024 to attend a – Order served on 7 May 2024 – Application served on 1 November 2024 -Notice of set down served on 29 October 2024
Order: The Draft order on case line 009-3-4 is made an order of court
Adv Engelbrecht

18. **DU PLESSIS S M** VS **RAF** **33556/21**
Notes: Application to strike out defence for failure to comply with court order of 23 April 2024 compelling Defendant to file a signed Discovery Affidavit and attend Pre-trial Conference – Order served on 24 May 2024 – Application served on 23 September 2024 - Notice of set down served on 30 October 2024 by email
Order: Draft order on case line 009-3-45-46 is made an order of court
Adv Van Eeden
19. **MAZIBUKO S T** VS **RAF** **54542/17**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e) to reject or accept the serious injury assessment report – Application served on 23 August by email and by hand on 27 August 2024– Notice of set down served on 1 November 2024
Order: Draft order on caseline 009-4-6 is made an order of court
Mr Engelbrecht
20. **SIBIYA S F** VS **RAF** **2249/2021**
Notes: Application for striking out defence for failure to attend a pre-trial conference on the date and time allocated by the Registrar and no order compelling compliance obtained - The application for striking out defence premature - Notice of set down served by email on 4 November 2024 and by hand on 5 November 2024 -
Order: Matter removed from the roll
Adv Van Eeden
SUBMISSIONS E-MAILED
UNDER CONSIDERATION
21. **QWABE B S** VS **RAF** **54861/19**
Notes: Application to compel compliance with Reg 3 (3 (d)) and (e), to reject or accept the serious injury assessment report - Application served on 21 August 2024 - Notice of set down served on **7 November 2024**
Order: Draft Order on case line 016-9-12 amended to indicate 10 instead of 5 days within which the Respondent is to comply, is made an order of court.
Mr Phoshoko
22. **MOKOENA C M** VS **RAF** **54880/18**
Notes: Application for dfendnt’s defence to be struck out for failure to comply with order of 8 October 2021 to hold a pretrial conference_– Application served on 20 September 2024 - **Notice of set dwon served on 21 October 2024**
Order: Draft order that is on case line 08-1-2 is made an order of court, costs on Scale A
Adv Shabangu
23. **SITHOLE T T** VS **RAF** **44027/18**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e)- Application served on 21 August 2024 - Notice of set down with Supplementary Affidavit served on 7 November 2024-
Order: The Draft Order on caseline 005-15-18 is made an order of court
Mr Phoshoko

24. **MNISI N P** VS **RAF** **40010/19**
Notes: Application to compel compliance with Applicant’s Rule 30A Notice – No Draft Order uploaded
Notice of set down served on 29 October 2024
Order: Order is granted as per prayer 1, prayer 2 excluding reference to “the Respondent’s defence is ipso facto struck” and prayer 3 costs to be on a party and party scale
Adv Coertze
25. **MBILI T T** VS **RAF** **24698/18**
Notes: Application to compel compliance with Reg 3 (3) (d) (e) make a decision on the serious injury assessment report- - can be decided on paper
Order: Matter removed from the roll as per Notice of removal on case line 12-5-8
Mr Phoshoko
26. **NKOSI N I** VS **RAF** **15566/17**
Notes: Application to compel the Respondent’s filing of its medico legal reports i.t.o Rule 36 (8) (b) signed Discovery Affidavit in terms of Rule 35 (7) and the ipso facto striking out of the Defendant’s defence – No Draft Order uploaded
Order: Order granted as per prayers 1, 2 excluding reference to “Respondent’s defence is ipso facto struck out, and 3 costs to be on a party and party scale, of the Notice of Motion
Adv Coertze
27. **TSHABALALA R A** VS **RAF** **14275/22**
Notes: Application to compel the Respondent to reply to the Plaintiff’s Rule 35 (1) Notice_– Application served on 8 August 2024 -Notice of set down served on 7 November 2024 -
Order: The Draft Order that is on case line 010-4-6 is made an order of court
Mr Komane
28. **MNGUNI S R** VS **RAF** **B1212/23**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e) of the RAF, a decision on the serious injury assessment report_– Application served on 25 September 2024 - Notice of set down served on 31 October 2024- No Draft Order uploaded on caseline
Order: Order granted as per prayers 1, 2, 3, 3.1, 3.2, 3.3, and 4 of the Notice of Motion.
Adv Mabale
29. **MNGUNI K W** VS **RAF** **049395/23**
Notes: Application to compel compliance with Reg 3 (3) (d) (e) to reject or accept the serious injury assessment report –Application served on 4 November 2024 - Notice of set down served on 4 November 2024 can be disposed on paper.
Order: Draft order on case line 12.1a-13-14 is made an order of court
Adv Trumpie
30. **MOSES M R I** VS **RAF** **7601/2012**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e) to reject or accept the serious injuries assessment report Application served on 30 September 2024 – Notice of set down served by email on 6 November 2024 and by hand on 12 November 2024
Order: Draft Order on case line 0-8-10 except for paragraph 2 and paragraph 4 the costs to be on a party and party scale
Adv

31. **MAKHONJWA B OBO S** VS **RAF** **32210/22**
Notes: Application to compel compliance with Reg 3 (3) d) and (e) make an election on the serious injury assessment report - Notice of set down served on 11 November 2024
Order: The Draft order that is on caseline 000-7-9 is made an order of court
Adv Lubbe
32. **COMANZI N** VS **RAF** **45936/23**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e) make an election on the serious injury assessment report – Application served on- Notice of set down served on 6 November 2024
Order: The Draft order that is on case line 12.1.a-6-7 is made an order of court
Adv B Trumpie
33. **BUCKLEY L OBO L** VS **RAF** **23798/22**
Notes: Application to strike out the Defendant’s defence due to non-compliance with court order of 9 February 2024 compelling compliance with Rule 35 (1) that was served on Respondent on June 2024 – Application served on 30 August 2024 - Notice of set down served 31 October 2024
Order: The Draft order on caseline 12.2-19-20 is made an order of court
Adv Marais
34. **BITZER E** VS **RAF** **79012/16**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e) to make a decision to reject or accept the serious injury assessment report – Application served on 12 September 2024 -Notice of set down served on 5 November 2024
Order: Draft Order on case line 003-5-6 is made an order of court
Adv
35. **NGXEKO L** VS **RAF** **43687/20**
Notes: Application to strike out Defence due to failure to comply with court order of compelling compliance with Rule 21 (4) – Application served on 4 September 2024 – Notice of set down served on 31
Order: Draft order on caseline is made an order of court 12.3-18-19
Adv Marais
36. **SELLO R T OBO I D** VS **RAF** **19099/20**
Notes: Application to compel compliance with Reg 3 (3) (d) and (e) make an election to reject or accept the serious injury assessment report- Application served on 24 October 2024 - Notice of set down served on 5 November 2024 -
Order: The Draft order on case line 05-1-2 is made an order of court
Adv JJ Slater
37. **SIGHONYELA N** VS **RAF** **86424/18**
Notes: Application to strike out Respondent’s defence due to failure to comply with order of 15 November 2021 and 17 May 2024 to compel compliance with Rule 21 (4) and 35 (3) - Application served on 4 September 2024 - Notice of set down served on 31 October 2024
Order: Draft order on case line 12.2-26-27 is made an order of court
Adv Marais

Notes: Application to strike out Defendant's defence for failure to comply with court order of 7 March 2024 compelling Defendant to attend a pre-trial conference – Application served on 5 September 2024 – Notice of set down served on 1 November 2024

Order: Draft order on caseline 010-15-16 is made an order of court

Adv Engelbrecht