

## **Practice Directive – 15 December 2010**

### **NORTH GAUTENG HIGH COURT – PRETORIA**

#### **UNOPPOSED MOTIONS**

1. Unopposed motions, which in this sense, include *ex parte*, unopposed, summary judgment and Rule 43 applications as well as unopposed divorces, may only be enrolled when the papers are ready, paginated where applicable, and the matter is ripe for hearing.
2. The registrar will make available a secure location (“the location”) under supervision of one person (“the supervisor”) where a register of matters enrolled on the unopposed motion court roll will be kept. A designated room will be indicated as the location.
3. In the location, the registrar shall make available suitable space where the files for each motion court day can be stored.
4. The registrar will prepare and at all times have available in the location a blank register for each court day. The blank register will be in accordance with annexure “A” attached hereto.
5. Any person seeking to enroll a matter on the unopposed motion court roll shall take the file, ready for hearing, to the location, enter the particulars as set out hereunder and leave the file in the location.
6. The person enrolling the matter shall do so by entering in the next available space on the register under the appropriate heading (application, postponement, Rule 43 or divorce) the case number, the parties’ names, the nature of the application, the name of the applicants’ attorneys, the name of the person enrolling the matter and his or her contact details. The person shall file in the court file a notice of set down stamped by the supervisor.
7. The supervisor shall keep the respective files for each motion court day separately. The files shall be kept in the order that they appear on the register.
8. No more than 150 applications (which include summary judgment applications), 6 Rule 43 applications and 45 divorces may be enrolled on any court day.
9. If a matter, that must be dealt with on a particular date, for instance because it has been so advertised, cannot be enrolled for that date because the roll is full, the matter may be enrolled for postponement only. The particulars of matters enrolled for postponement only shall be entered on the roll in red.
10. A matter enrolled for postponement only, shall be postponed to the first available date.

11. It shall be the responsibility of the person enrolling a matter for postponement only to enroll the matter and to enter all the required particulars in the register for the date to which it is to be postponed.
12. When the court grants a Rule nisi or postpone a matter, it shall be the responsibility of the applicant or his attorney to enroll the matter on the appropriate day.
13. A party who has enrolled a matter may not after enrolment, without the leave of the court, file any further documents other than a notice of removal, a notice of withdrawal, a notice of postponement, a notice granting leave to defend to a defendant in a summary judgment application and reports from the Master, the Registrar of Deeds, the Registrar of Companies and similar official reports.
14. Parties who are in terms of the Rules entitled to file documents in matters that have been enrolled, shall do so by handing the document to the supervisor who shall stamp it and file it in the appropriate file.
15. No entry may be removed from the register of unopposed motions and no file may be removed from the secure location for any purpose other than to take the fillies to the judges allocated to the unopposed motion court.
16. It shall be the responsibility of the registrar to prepare a motion court roll from the register for each of the three motion courts for each court day. The unopposed motions, appearing on the register for each day shall be distributed evenly between the three motion courts.
17. This directive shall commence on 7 February 2011 for enrolment of matters for hearing on 21 February 2011.

#### **Transitional Provisions**

1. The registrar will, before 7 January 2011 prepare blank registers for each date starting with 21 February 2011.
2. The files for matters that have been enrolled for hearing commencing on 31 January 2011 onwards shall be moved from the general office to the secure location not later than 7 January 2011.
3. The supervisor will by not later than 14 January 2011 prepare for each court day from 31 January 2011 a register.
4. On the register for each day, the supervisor shall black out the number of rows, starting at 1, equal to the number of matters that have been enrolled for that day.
5. As from 17 January 2011 matters shall be enrolled so as to first fill, in date sequence, rolls that are not full.

6. In order to address the backlog, the supervisor shall for the first term of 2011 be entitled to enroll 159 applications, 12 Rule 43's and 51 divorces per day.

**W J van der Merwe**  
**North Gauteng High Court**  
**Deputy Judge President**  
**Dated: 15 December 2010**

**REGISTER OF UNOPPOSED MOTIONS ENROLLED FOR: .....  
 (DATE) APPLICATIONS**

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## POSTPONEMENTS

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**RULE 43**

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**DIVORCES**

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## GAUTENG HIGH COURT

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