# THE HIGH COURT OF SOUTH AFRICA

# GAUTENG DIVISION, JOHANNESBURG

# UPDATED UNOPPOSED MOTION COURT ROLL

## THURSDAY, 20 JULY 2023 (TERM 3 – WEEK 1)

## Before the Honourable Mr Justice ADAMS J

## IN COURT NUMBER GC

**Registrar:** Ms Gladys Dlamini – cell no: (083) 369 – 6127
Email address: gdlamini@judiciary.org.za;

**The following processes and procedures shall apply to ALL Unopposed Applications before Adams J:**

1. Documents must be uploaded in all matters to *CaseLines* or to *Court Online*. Only matters that have been uploaded on *CaseLines* or *Court Online* shall be heard. All non-compliant unopposed applications shall automatically be removed from the roll.
2. All unopposed applications will be heard in open Court – in physical Court number **GC**, to commence at **10:00 am sharp.**
3. In each matter, Applicant's Legal Practitioner shall submit a practice note, which will, in addition to the information required in terms of the practice manual, address the following issues: the names, email addresses and cell numbers of the legal practitioners appearing, to be uploaded on *CaseLines*.
4. The customary draft order (incorporating Counsel's name, email address and cell number) must be presented among the documents uploaded to *CaseLines* and **ONE COPY** is to be handed up during the hearing of the application in open court.
5. A respondent who, despite being late to do so, wishes to oppose the granting of an order, must communicate that fact by email to gdlamini@judiciary.org.za and to the applicant and otherwise comply with this directive.
6. Counsel or attorney for an applicant must at once when it becomes known that there is opposition, regardless of its merits, communicate that fact to gdlamini@judiciary.org.za.
7. **Any concerns which the Court has in any unopposed application may be noted by the Court on the updated printed roll, which may also give an indication of the probable fate of each application (excluding PIE Act Evictions and Foreclosures).**

**OFFICE OF THE CHIEF JUSTICE**

**(REPUBLIC OF SOUTH AFRICA)**

**GAUTENG LOCAL DIVISION, JOHANNESBURG**

**UPDATED UNOPPOSED MOTION ROLL FOR THURSDAY, 20th JULY 2023.**

**BEFORE THE HONOURABLE JUDGE: ADAMS J – IN COURT NUMBER GC**

**JUGDES' SECRETARY: GDlamini@judiciary.org.za**

| NO | PARTIES | CASE NO | *COMMENTS / POSSIBLE OUTCOMES* |
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| **MATTERS STANDING DOWN FROM TUESDAY, 18 JULY 2023** | | | |
| **4.** | ABSA BANK LTD and ANO v CALVIN MBUSI ZWANE and ANO | **2022-040714** | *ADJ – Substituted service. Foreclosure – PR. LP = R10k on 17/06/2022. Arrears = R80k. (+).* |
| **8.** | ABSA BANK LIMITED and ANO v MALIBONGWE THUBELIHLE MZIWEMPILO KHUMALO | **2022-040084** | *ADJ. Foreclosure – PR. LP = R11k on 06/12/2021. Arrears = R111k. (+).* |
| **59.** | NONHLANHLA MDAWENI v LINDIWE MDAWENI | **2022-050738** | *Cancellation of Title Deed.* |
| **61.** | MHLANGA, MOURREN SIBONGILE v MINISTER OF HOME AFFAIRS and THE MASTER OF THE HIGH COURT, JOHANNESBURG | **2023-009384** | *Declaring a Customary Union valid. Any other interested parties, children, siblings of deceased?* |
| **MATTERS FOR THURSDAY, 20 JULY 2023** | | | |
| **1.** | CHANGING TIDES 17 (PTY) LIMITED N.O. v CLOETE, JARROD MICHAEL & MAC DOUGALL, CHANTALLE and ANOTHER | **2018/26845** | *Foreclosure. Variation / reduction of reserve price.* ***Prayers 1 and 2 of D/O.*** |
| **2.** | SB GUARANTEE CO (PTY) LTD v MOLETSANE, Lemogane Esley and MOLETSANE, Maphiri Mamakwa | **2022/14269** | *ADJ. Foreclosure – PR (?). LP = (?). Arrears = R152K. (+).* |

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| **3.** | ABSA HOME LOANS GUARANTEE CO (RF) (PTY) LTD and ABSA BANK LIMITED v RADEBE, Tebello | **2021/34326** | *ADJ. Foreclosure – PR (?). LP = R500 on 03/01/2023. Arrears = R163k. (+). Counter-application to uplift bar? Service of Set Down?* |
| **4.** | ABSA BANK LTD v CEBEKHULU, NDUMISO PEACE | **2019/35869** | *ADJ. Foreclosure – PR. LP = (?). Arrears = R109k. Service? (+).* |
| **5.** | NEDBANK LIMITED v OMARJEE, Hajra Ahmed | **2020/8932** | *To set aside sale in execution. Opposed.* ***Removed from the Roll by Notice.*** |
| **6.** | CHANGING TIDES 17 (PTY) LTD N O v NKUNA, NOMSA | **2021/2200** | *ADJ. Foreclosure – PR (?). LP = (?). Arrears = R74k. (+).* |
| **7.** | CHANGING TIDES 17 (PTY) LTD N O v HENDERSON, David and FARAO, Cherie Donay | **2020/34365** | *ADJ. Foreclosure – PR (?). LP = (?). Arrears = R231k. (+).* |
| **8.** | EMERALD FIRE INVESTMENTS (PTY) LTD v THE TRAVEL LEARNING CENTRE CC & 1 OTHER | **26854/2021** | *Eviction Order previously granted. Matter on roll by mistake?* ***To be removed?*** |
| **9.** | FIRSTRAND BANK LIMITED v LIESBETH KHUWA MOKOENA & ANOTHER | **2021/11228** | *Substituted service application?* |
| **10.** | FIRSTRAND BANK v THANTSHA, Kgabo Edion & OTHERS | **2020/37151** | *Foreclosure.* ***Removed from the Roll by Notice.*** |
| **11.** | ISIBONELO PROPERTY SERVICES (PTY) LTD / UCHEDELI ENTERPRISE (PTY) LTD T/A ZEBROS TSHWANE MALL | **2021/55372** | *ASJ. Commercial lease. Opposed?* |
| **12.** | NKOSINGIPHILE JEREMIAH MAPHALALA v THE MINISTER OF POLICE | **2022/3197** | *Compel further and better discovery. (+).* |
| **13.** | RAND WATER BOARD v MKHARI, OUPA and ANOTHER | **2021/46120** | *PIE Act Eviction. Respondents' defence has been struck out. (+).* |
| **14.** | SB GUARANTEE COMPANY (PTY) LTD v MUSAWENKOSI SENETLA | **2020/07197** | *ASJ. Foreclosure – PR. LP = (?). Arrears = (?).* |
| **15.** | CHANGING TIDES 17 (PTY) LTD N O v MLANGENI, Nombulelo Thabile & MATHEVULA, Lucky | **2022/10688** | *ASJ. Foreclosure – PR. LP = (?). Arrears = (?).* |
| **16.** | CHANGING TIDES 17 (PTY) LTD N O v MOWASA, MALETSATSI AUGUSTINA & MOWASA, MOHLATLEGO JOSEPH | **2016/14932** | *Foreclosure – PR. Variation / reduction of Reserve Price. (+).* |

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| **17.** | THULANI DLADLA v MINISTER OF POLICE, NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS AND MINISTER OF JUSTICE AND CORRECTIONAL SERVICES | **2022/00332** | *Condonation of failure to send statutory demand.* |
| **18.** | RADEBE MBUSO v MINISTER OF POLICE AND THE DIRECTOR OF PUBLIC PROSECUTION | **2022/5520** | *Compel signing of the Pre-trial Conference Minutes. Legal basis of application?* |
| **19.** | ALBAN KOMAPE v LEINE DOOGY TAUNYANE & OTHERS | **2016/15804** | *PIE Act Eviction. (+).* |
| **20.** | CHANGING TIDES 17 (PTY) LTD N O v JACOB LOURENS BREEDT | **2021/50804** | *ADJ. Foreclosure – PR. LP = (?). Arrears = R122k. (+).* |
| **21.** | GREGORY MOLTENI v ELIO FRANCESCO MARIO BANCHETTI N O, NIRMALA PATHER N O and 3 OTHERS | **2022/19395** | *Removal of Executors in Deceased Estate. Settlement Agreement to be made an Order of Court. Costs order?* |
| **22.** | NEDBANK LTD v MABOKO, Ngwako Reuben | **2021/01041** | *Rescission application. Application to compel Practice Note, H o A, etc. Draft Order to be amended.* |
| **23.** | NEDBANK LTD v ZULU, Khulakani and ZULU, Nomfundo Frances | **2021/55836** | *Foreclosure. Substituted service.* ***Prayers 1 and 2 of D/O.*** |
| **24.** | STANDARD BANK OF SA LTS v BEZUIDENHOUDT, Niklaas | **2021/23493** | *ADJ. Foreclosure – PR. LP = (?). Arrears = R56k. (+).* |
| **25.** | THE STANDARD BANK OF SA v TAN, ADRIAN ORIEL AND ANOTHER | **2020/36872** | *ADJ. Foreclosure – PR. LP = R3k on 02/07/2020. Arrears = R396k. (+).* |
| **26.** | AHMED NANA v JACQUES GOUWS & 3 OTHERS | **2022/22403** | *PIE Act Eviction. (+).* |
| **27.** | ABSA BANK LTD v MOOSA, Sayed Mohamed | **2021/25318** | *ADJ. Foreclosure – Not PR. Judgment Debt = R9.5m. Description of Property? (+).* |
| **28.** | FIRSTRAND BANK LIMITED v ACTIVE BLUE TRADING 220 CC AND ANOTHER | **20/36911** | *ADJ – credit facility.* ***Prayers 1 to 3 of D/O.*** |
| **29.** | MAXWELL N O, RICHARD G o b o OLIVIA NGOMANE v ROAD ACCIDENT FUND | **2013/47414** | *Substitute* Curator as Litem*.* ***Prayers 1 to 3 of D/O.*** |
| **30.** | THE STANDARD BANK OF SA v MAZIBUKO, MELUSI MACDONALD AND MAZIBUKO, KATLEGO SHADI | **2020/13889** | *ADJ. Foreclosure – PR. LP = (?). Arrears = R64k. (?).* |

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| **31.** | FIRSTRAND BANK LTD v BS OIL DISTRIBUTORS CC AND ANO | **2018/19012** | *ADJ – credit facility.* ***Prayers 1 to 3 of D/O.*** |
| **32.** | FIRSTRAND BANK LIMITED v JLB-KITCHENS CC AND ANOTHER | **2021/27782** | *ADJ – credit facility and Suretyship.* ***Prayers 1 to 3 of D/O.*** |
| **33.** | SHACKLETON CREDIT MANAGEMENT (PTY) LTD v DNK LOGISTICS CC | **2020/44030** | *Rescission application.* ***Prayers 1 and 2 of D/O.*** |
| **34.** | NEDBANK LIMITED v MOKOENA, T Edward | **2021/37308** | *NCA – Credit agreement. Damages claim****. Prayers 1 and 2 of D/O.*** |
| **35.** | SB GUARANTEE COMPANY (RF) (PTY) LTD v NILESH VALLABH | **2021/56651** | *Foreclosure.* ***Removed from the Roll by Notice.*** |
| **36.** | MATUSSE SERGIO SALAMAO v ROAD ACCIDENT FUND | **2020/14749** | *Compelling FHME Undertaking and ADJ. (+).* |
| **37.** | NEDBANK LTD v HLOPHE, Mnqobi Eddy | **2021/ 20989** | *NCA – Credit agreement. Damages claim. Set Down?* |
| **38.** | XOLI POSWA and MANGOAKO FRANCINAH POSWA v PINKY POSWA AND OTHERS | **2020/30063** | *Referral of application to Oral Evidence. Legal basis?* |
| **39.** | NIEUWTOWN PROPERTY DEVELOPMENT COMPANY (PTY) LTD / PELOX INVESTMENTS (PTY LTD T/A NEWS CAFE AND KAGISO GALESITOE AND BONGANI KHUMALO | **2019/30739** | *Consolidation of rescission applications.* |
| **40.** | JOHAN COETZEE N O and 3 OTHERS v THABETHE, THEMBISILE | **2020/38900** | *ADJ. Foreclosure – PR. LP = R4300 on 27/09/2019. Arrears = R329k. (+).* |
| **41.** | ANITA SIGAMONEY v FOCUS AFRICA and ANOTHER | **2023-031961** | *Final winding-up of respondents. Return day. (+).* |
| **42.** | CEZ INVESTMENTS (PTY) LTD v LARIMAR PROPERTIES (PTY) LTD | **2023-044464** | *ADJ. Rental payable in terms of Commercial Lease.* ***Prayers 1 and 2 of D/O.*** |
| **43.** | CAPITEC BANK LIMITED v MARINA VENTER and ANOTHER | **2023-053225** | *Foreclosure.* ***Removed from the Roll by Notice.*** |
| **44.** | BRIDGE TAXI FINANCE NO 02 (PTY) LTD v THEMBILE MJALI | **2023-041727** | *NCA Credit agreement. Return of MV. Return day of* Rule Nisi*. (+).* |
| **45.** | BORZOO PARASTARAN v. KERSHNEE PATHER-ODAYAN | **2023-040447** | *PIE Act Eviction. S 4(2) Directions. (+).* |