

FORM C

IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION, (MAIN & LOCAL SEAT)

CASE NO. ……..

In the matter between

…… Applicant

And

…… Respondent

CASE MANAGEMENT ORDER IN POCA MATTERS IN TERMS OF RULE 37A(A)(b)

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1. This matter is case managed as follows:

2. Draft order marked "X" in terms of which a Rule Nisi is issued and returnable on ……. is hereby made an order of court.

3. It is hereby ordered that the applicant (National Director) shall as contemplated in section 39 (1)(a) and (2) of POCA Act give a notice of the order to all persons known to the National Director or have an interest in the property which notice shall be served by the Sheriff having jurisdiction thereto as soon as practicable but, by not later than ……

4. The applicant shall as soon as practicable, publish the notice of the interim order herein in the Gazette as contemplated in section 39(1)(b) and such publication shall be issued by not later than ……..

5. Any person who has interest in the property subject to the preservation of property herein may as contemplated in section 39(3) enter an appearance giving notice of his or her intention to oppose the making of a forfeiture order or to apply for an order excluding his or her interest in the property concerned from operation thereof and such a notice as contemplated in subsection (3) shall be given within 14 days upon service of the order as contemplated in subsection (1)(a) and publication of notice of the order as contemplated in subsection (1)(b).

6. An appearance to defend or oppose under section 39 (3) shall in terms of subsection (5) thereof contain full particulars of the chosen address for the delivery of the documents concerning further proceedings under Chapter 6 of the POCA Act and shall be accompanied by an affidavit stating –

   (a) Full particulars of the identity of the person entering the appearance;
   (b) The nature and extent of his or her interest in the property concerned; and
   (c) The basis of the defence upon which he or she intends to rely in opposing of a forfeiture order or applying for the exclusion of his or her interest from the operation thereof.

7. Once an appearance to defend or notice to oppose is delivered as envisaged in section 39 subsection (3), the Registrar of this court shall within five (5) days upon receipt thereof, place the matter on the case management roll at 08h45 on any court day before any Judge.

8. The preservation of property order shall in terms of section 40 expire within 90 days after the date on which notice of making of the order is published in the Gazette unless-

   (a) there is an application for forfeiture order pending before the High Court in respect of the property;

(b) there is unsatisfied forfeiture order in force in relation to the property subject to the preservation of property order;

(c) the order is rescinded before the expiry of that period.

For the Applicant ……..

EMAIL ADDRESS: ……

OFFICE NO. ……

CELL NO. ……

For the Respondent/Defendant ……

EMAIL ADDRESS: ……

OFFICE NO. ……

CELL NO. ……