

Yvonne Badenhorst

From: Jonah Hefer <JHefer@judiciary.org.za>
Sent: Friday, 29 September 2023 10:11
To: Sarah Dewakaran; urishka@mmglaw.co.za; bmw@mmglaw.co.za; barry14@hsr.co.za; Jessica Van Rooyen; barry14@hsr.co.za; tristan@gkinc.co.za; motimedim@hammondpole.co.za; cameron@roblaw.co.za; robert@roblaw.co.za
Cc: Slpath; Samla; data@saflii.org; communication@lpc.org.za; jhbadm@law.co.za; admin@pabasa.co.za; Clarks; anton@tonkinclacey.co.za; gladwin-wood@schindler.co.za; lssa@lssa.org.za; danievl@webmail.co.za; ffdocrat@rsabar.com; fiona@lssa.org.za; joewadee@telkomsa.net; tiaan@joubertlaw.co.za; Motsi Modike (DoJ&CD Contact); gcb@mweb.co.za; nfa.advocates@gmail.com; gautengnbcsa@outlook.com; northgautengadv@gmail.com; baradmin@law.co.za; info@nationalbrandcouncil.co.za; ntsebeza@mweb.co.za; ptabar@law.co.za; fazoe@nadel.co.za; crutchfield@law.co.za; info@bla.org.za; reform@justice.gov.za; muzis@law.co.za; mklein@icon.co.za; gladwin@schindlers.co.za; lawson@casac.org.za; varsha.sookdhaw@cdhlegal.com; info@churchsquarebar.co.za; kmoleya@fasken.com; joseph.machacha@cdhlegal.com; ramola.naidoo888za@gmail.com; reception@loftusadv.co.za; Sallcock@juta.co.za; bassonbetsie@gmail.com; EnricoG1@legal-aid.co.za; Johannesburg-FA@justice.gov.za; Pretoria-FA@justice.gov.za; Palmridge-FA@justice.gov.za; herman.percival@gmail.com; mikem@bm-attorneys.co.za; procforum@lpc.org.za; agrobler@cknet.co.za; hpgrabler@cknet.co.za; ltheron@cknet.co.za; aam@albert-a-marais-attorneys.co.za; tvn@albert-a-marais-attorneys.co.za; cmabuza@live.com; lephadi@sheriffandburgsw.co.za; marks@sheriffjc.co.za; june@sheriffjhbsouth.co.za; enricoagostino@gmail.com; inge@saflii.org.za; aicajee@law.co.za; info@sheriffjhbsouth.co.za; ken@law.co.za; gilden@law.co.za; motimelesc@law.co.za; nasreen@budlender.co.za; dupreezlegal@gmail.com; gustav@crimsonred.co.za; 'Pandelani Fhedzisani'; watshilowa@gmail.com; mkurz@clarks.co.za; advadw@gmail.com; marianne@mpattorney.co.za; marksmangaba@gmail.com; junethomas0611@gmail.com; gautengsocadv@gmail.com; msecapabar@law.co.za; gautengsecretary@blaonline.org.za; sbear@fluxmans.com; keegan@elliottattorneys.co.za; johanv@lpc.org.za; nmahlangu1@sars.gov.za; registrartaxcourt@sars.gov.za; CS Advocates; maritzng@law.co.za; edeling@emlct.com; wilnal@legal-aid.co.za; grace.molatedi@dcs.gov.za; yvetteisaacs@capabar.co.za; Mkhwinana Att; nalane@law.co.za; council@advmdupreez.com; collinsl@raf.co.za; lindelwa@raf.co.za; info@sabwil.org.za; attedeh.associates@gmail.com; concha@wilsons-law.co.za; tmuthabuli@sars.gov.za; xmaduna@sars.gov.za; lee-ann@shplaw.co.za; secretary@sawla.net; adv.ford@rsabar.com; hilde@smithlaw.co.za; Joshua M; r.mphela@icloud.com; geert.kuit@gauteng.gov.za; hlengiwe.goba@gauteng.gov.za; 'Pandelani Fhedzisani'; Nhlayisi Zanele (DoJ&CD Contact); andre@josephs.co.za; DJ Erasmus; adv.ford@rsabar.com; Elsie S; Similo S; Elizabeth M2; legalpracticecouncil@lpc.org.za; Ayob; Timmy Kgaladi; Hope Nkuna; hopenkuna.nh@gmail.com; fanniek@raf.co.za; LesleighT@legal-aid.co.za; MantitiK@legal-aid.co.za; Kabini Jacob (DoJ&CD Contact); Louw Ananda (DoJ&CD Contact); kirstenb@wri.co.za; kirstenbell16@gmail.com; Tarryn@evninc.co.za; tobie@evninc.co.za; melissat@snaidmorris.co.za; louws.consult@gmail.com; ettian@wol.co.za; gsadvocates.secretary@gmail.com; info@lpc.org.za; francis@clubadvocates.co.za; sophie@clubadvocates.co.za; info@gaa.org.za; info@churchsquarebar.co.za; Yvonne Badenhorst; rolls@jaa.org.za; Reception @ the Arcadian; ppv@ppv.co.za; info@lpc.org.za; directorgp@lpc.org.za; management@hcadvocates.co.za; francis@clubadvocates.co.za; sophie@clubadvocates.co.za; info@gaa.org.za; info@nationalbarcouncil.co.za; lssa@lssa.org.za; ppv@ppv.co.za; Pretoria-FA@justice.gov.za; reception@loftusadv.co.za; admin@pabasa.co.za; admin@blaonline.org.za; fazoe@nadel.co.za; gcb@mweb.co.za; nfa.advocates@gmail.com; anncoetzee@npa.gov.za; gautengsocadv@gmail.com; tracy.nothnagel@gcbsa.co.za; ramatics@gmail.com; mjansenvanvuuren@npa.gov.za; Nicolle Oosthuizen; MAGDALENE@lpc.org.za; ndweleni@rstauattorneys.co.za; mbmaliwa@gmail.com; Cassie Jordaan; Nadine@fsh.co.za; lidias@savage.co.za; motions@slerouxprok.co.za; rosaha@mweb.co.za; NokuphiwaN@legal-aid.co.za; Katlego Mehlape; admin@csadvocates.co.za; u@lekgotlalaw.co.za; Henk Schouten;

Cc: stephan@puys.co.za; karlien@puys.co.za; fergusonr@virtualchambers.co.za; advocatemarema@gmail.com; memorys@nadel.co.za; Tamaryn Melville; adminhc@hcmadike.co.za; update@jaa.org.za; rc@merweproks.co.za; info@freemandube.co.za; siphawe@freemandube.co.za; viv@jaa.org.za; advphillipmagagane@gmail.com; thobile@kotloloattorneys.co.za; lebeko.law@gmail.com; jt@tarica.co.za; francinahq@gmail.com; lauren@wkattorneys.co.za; marius@minnieattorneys.co.za; kuhle@ndlovu-sedumedi.co.za; keegan@ksalaw.co.za; mxolisi@nenelaw.co.za; ftugwana@gmail.com; bennie@vdbatt.com; mpesim@gmail.com; eugene@law.co.za; Etienne Cilliers; Yvonne Badenhorst; lazarusledwaba9@gmail.com; sulum@sigogolaw.co.za; kobussteyn1@gmail.com; annade@lawcircle.co.za; sthikhathali@yahoo.com; nelufulekc@gmail.com; Dune Delport; innocentia makgoe; Maki Malepe; desmond@grobbelaarlaw.co.za; tsoku@tsokufmashishiattorneys.co.za; rjntimane@webmail.co.za; thabop2002@gmail.com; nlmahlaba@webmail.co.za; admin@chavalaattorneys.co.za; takalani@tsmattorneys.co.za; kgakainc@vodamail.co.za; shoketsoe@icloud.com; georgemashabane@gmail.com; advocatemabena@gmail.com; info@motimele.co.za; fmasweneng@gmail.com; tony.beamish@me.com; info@legallyaccurate.co.za; info@ksdinakaattorneys.co.za; admin@brooklynadvocates.co.za; dumisani@lesetjanokoinc.co.za; Awelanim@raf.co.za; lindap@law.co.za; baloyi-mere@loftusadv.co.za; Ben; caslaw@intekom.co.za; Cindy Kilian; D H Pieters; D R Mahlalela; data@saflii.org; dpppta@npa.gov.za; durell; estellej@lpc.org.za; soravele@soraveleattorneys.co.za; admin3@dninc.co.za; info@mpyaneattorneys.co.za; info@counseltsa.co.za; frans@mgmaliattorneys.com; mtheza@mgmaliattorneys.com; Anelia Kruger-Van Staden

Subject: Directive - Serveral matters arising out of National Credit Act, before Mtsweni AJ for default judgments

Attachments: Directive - National Credit Act default judgment matters before Mtsweni AJ - 28 September 2023.pdf

Importance: High

Dear Advocate/Sir/Madam

Kindly have regard to the attached directive for written submissions by the patters in the various matters, including any other interested party.

Kind regards

Joanna Hefer
Registrar: Judge Potterill/Acting Judge Mtsweni
Gauteng Division, Pretoria
Tel No: (012) 315-7582
E-mail: JHefer@judiciary.org.za

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REPUBLIEK VAN SUID-AFRIKA

OFFICE OF THE HONOURABLE ACTING JUDGE MTSWENI

HIGH COURT OF SOUTH AFRICA, GAUTENG DIVISION, PRETORIA

Pretoria High Court Building, c/o Madiba & Paul Kruger Streets, Room 8.10, 8th Floor

Tel: (012) 3157582 E-mail: JHefer@judiciary.org.za

28 September 2023

Dear Advocate/Sir/Madam

**IN RE: SEVERAL MATTERS ARISING OUT OF NATIONAL CREDIT ACT, BEFORE
MTSWENI AJ, FOR DEFAULT JUDGMENTS**

The Honourable Acting Judge Mtsweni has instructed me to forward his directive to you for comment:

- “1. During June/July 2023, I reserved judgments in several matters allocated to me, for consideration of default judgment application arising from the National Credit Act. The referral to Judges in chambers follows upon several court judgments which found that the Registrar does not have jurisdiction to deal with matters arising from the NCA.
2. During the consideration of the matters, the following concerns arose:
 - 2.1 whether a ‘Judge in chambers’ is empowered to adjudicate matters arising out of the NCA?
 - 2.2 if not, whether the Acting Judge President’s directive issued on the 22nd of February 2022, can be interpreted to confer jurisdiction to a Judge in chambers, to adjudicate matters arising out of the NCA?

3. In light of the above, parties, including any other interested party, are requested to submit written submissions within 10 days of this directive, addressing the questions posed above.
4. The submissions must be uploaded on CaseLines and e-mailed to Ms. Hefer at JHefer@judiciary.org.za."

Yours faithfully

(ELECTRONICALLY GENERATED; NOT SIGNED)

J Hefer

Secretary: Honourable Acting Judge Mtsweni

Tel No: (012) 3157582

E-mail: JHefer@judiciary.org.za

List of reserved judgments – 26-30 June 2023

Lynn & Main Attorneys

91. CVI Shackleton (Pty) Limited v Delene Fay Mynhardt 2023-009154

Maynard Menon Attorneys

92. BMW Financial Services v C Jozana 2023-037146

Hack Stupel & Ross

93. Standard Bank of South Africa Limited v Jean Pierre Botha 63147/2021

94. Nedbank Limited t/a MFC v Joshua George Juwel Xaba 13725/2021

95. Standard Bank of South Africa Limited v AE Mkhathshwa 18082/2022

96. Standard Bank of South Africa Limited v Phumudza Mufamadi 35837/2021

Tristan Glover

97. Velocity Finance (RF) Limited v Mauritius Monde Qulu 2278/2022

Hammond Pole

98. Nedbank Limited v CK Magabane 18689/2022

Straus Daly

99. Mercedes Benz Financial Services SA Pty Ltd v Sibusiso Ngema 37469/2023

100. Mercedes Benz Financial Services SA Pty Ltd v MB Mojela 37455/2023

101. Firststrand Bank Limited t/a Wesbank v Dereck Muwawa Phiri 5059/2023

102. Toyota Financial Services SA Ltd v Bongani Stephesen Matsheni 55224/2023

103. Toyota Financial Services SA Ltd v Raphalalani J Ramasunzi 49733/2023

104. Firststrand Bank Limited t/a Wesbank v Sipho Robert Dlamini 17344/2023

105. Firststrand Bank Limited t/a Wesbank v Masala Kenneth Nemutudi 38400/2023

Mynard Menon Govenfer Inc

106.	BMW Financial Services v SB Seremane	55621/2021
107.	BMW Financial Services v P Binneman	30772/2021
108.	BMW Financial Services v PM Tlabela	47042/2021