

Yvonne Badenhorst

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Subject: Outcomes - Unopposed Motions - 17 OCT 2023 - KHUMALO J (Ms)

Attachments:

Outcomes - Unopposed Motions - 17 OCT 2023 - KHUMALO J (Ms) - 1.pdf

Dear all,

Please find attached for your attention.

Regards,

Mr Ellick van der Merwe

Judge's Registrar for:

KHUMALO J (Ms)

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**HIGH COURT
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IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION PRETORIA)

(UNOPPOSED MATTERS UPLOADED ON CASELINES)

17 OCTOBER 2023

BEFORE THE HONOURABLE JUSTICE KHUMALO J

1. **V M TSHABALALA VS RAF 058257/22**
Notes: Declaratory Order – On compliance on lodgement of claim (based on substantial compliance)-Only 1 Counsel reflected in the Practice Note- No draft Order filed.
Order: Application is granted as per prayers 1, 2 of the Notice of Motion with Prayer 3 amended to remove costs for 2 Counsels.
Adv Rosa Hawmanrosaha@mweb.co.za

2. **F N NGWASHENG VS NGWASHENG 41944/17**
Notes: Contempt of court application- Order granted in presence of Respondent – Notice served personally
Order: Draft Order on caselineB-25-B-27

Adv A J Schoeman advjanaschoeman@gmail.com

3. **K KENOSHI VS O MOSHORI 55943/21**
Notes: Application i.t.o s 21 of the Matrimonial Property Act no 88 of 1984- for change of Matrimonial Regime- Ex parte Application
Order: The Draft Order on caseline 000-1-000-2 is made an order of court

Adv Berreiro catarina@gkchambers.co.za

4. **T NOYILA** VS **RAF** **41800/16**
Notes: Application to compel compliance with court order granted
Order: Draft Order on case line 016-56-016-57 is made an order of court
Adv Botha wihanbotha@gmail.com
5. **ABSA BANK LTD** VS **Z E MKHIZE** **023794/23**
Notes: Default Judgment and R 46A Applications-
Order: Draft Order on case line 013-1-013-3 is made an order of court
Adv Minnaar mini@la.co.za
6. **ABSA BANK LTD** VS **B T MAHLABA** **013983/23**
Notes: Rule 32 & 46A Application- debt since 5 Oct 2022 Application for substituted service -
Order: Draft Order on case line 005-1 005-3 is made an order of court
Adv W Roos wroos@rsabar.co.za
7. **D IMRAN+1** VS **J L IGINLA+1** **079671/23**
Notes: Application ito of s 31/s26 read with s 32 of the Insolvency Act 24 of 1936- set
Notice to Oppose- No proof of service of Answering Affidavit -
Order: Matter removed, costs reserved.
For Appl: Adv Sevenster – advsevenster@gkchambers.co.za
For Resp: Adv
8. **NEDBANK LTD** VS **KIDDO G ENTERPRISE+1** **31594/21**
Notes: Repossession of motor vehicle- Summons served on Father with no name mentioned at Clayville (Domicilium) – DJ Appl Removed on August 2023 (no reason stated) – Elected to serve DJ by email with no consent- Service not acceptable, NCR to be updated-expired 2021- The second instalment agreement not signed –
Order: Matter postponed sine die for updated NCR and service
Adv Muller ffmuller@moments.co.za

9. **SB GUARANTEE** VS **MT ROADS LTD** **049616/22**
Notes: Application for Provisional Liquidation of Resp- Debt R32 493.69 from Sep 20 - Service of prov order also to be on the Respondent – Employees – Unions – **NCR expired in 2022** – Surety Norman Madhavha Florentia’s address is in Brits, North West and Co is also in Brits
Order: Draft order on case line on 000-5-000-6/ To obtain date for pp
Adv Latif nlatif@lawcircle.co.za

10. **ABSA BANK LTD** VS **G L GELSON** **26668/21**
Notes: Rule 46 (9) A -Rule 46A Application was not served by substituted service. Auction could not yield the reserved price and Application to sell to the highest bidder, that is R810 000
Order: Draft Order on case line 1-1-1-2 is made an order of court
Adv Jacobs mjacobs@gkchambers.co.za

11. **P MOYO** VS **RAF** **54418/18**
Notes: Application to compel an Undertaking
Order: Application granted as per prayers 1, 2 and 3 of the Notice of Motion
Adv

12. **STD BANK LTD** VS **Q S NYATHI+1** **27380/22**
Notes: DJ & Rule 46A - Application for substituted service on sms and - served on Princess Nyathi, the 2nd Def personally at Unit 26, a Spotted Hill Earl Str Amberfield Crest on July 2023, see 07-4-6 - No set down for 17 October 2023
Order: Matter removed from the roll.
Adv

13. NEDBANK LTD VS D BONTUYS 023833/23
Notes: Rule 31 (2) & 46(l)(a) & 46A (8) (e) Applications- Service of Summons at principal gate and Applications by email & sms. – personal service on 1st Def -.Reserve price R590 000
Order: Draft Order on caseline 010-1-010-3 with amended reserve price of R590 000 is made an order of court
Av Motha advmotha@lawcircle.co.za

14. G MNCUBE VS W H GROBLER+1 37158/22
Notes: Provisional Sequestration Application- Notice of removal on case line 006-1-006-2
Order: Matter removed from the roll
Adv gift@mncubelaw.co.za

15. ABSA BANK LTD VS G O UBAWUCHI 40417/18
Notes: Summary Judgment Application and Rule 46A – On paper-
Order: Draft Order on case line A5 –A8 with reserve price of R380 000
Adv Smith bsmith@kchambers.co.za

16. ONE STOP STORAGE VS CITY OF TSHWANE B929/23
Notes: Application i.t.o Rule 30 & 30A to strike out defence – **Alleging** Answering Affidavit out of time due to no Condonation Appl. - Notice to Oppose & Answering Affidavit filed on 13 Oct 2023
Order: Matter removed from Unopposed Motion roll, costs reserved
Appl: Mr J J Bouwer bouwerjj@gmail.com
Resp: Mr Ncube

17. NEDBANK LTD VS B NDLOVU 047162/23

Notes: Repossession Application rule 31 (5) – Non-service on Application for DJ, no street address 29 Sept 2023. – Natis Reg

Order: Draft Order on case line 04-4-04-5 is made an order of court

AdvRoos wroos@rsabar.com; hschutte@rsabar.com

18. E NIENABER VS H J NIENABER 32838/21

Notes: Family Court matter – Termination of parental responsibilities and rights – Not opposed – Notice served – recommendation is to (be deferred in full) hold same in abeyance -Draft Order to be granted in accordance with the Family Advocate's recommendations on 010-11 starting from 010-10.

Order: Wrong enrolment – Family Court matter- Draft Order to be amended

Neither Attorney nor Counsel reachable

Adv Bester ben@lawircle.co.za

19. B MOHLALA VS RAF 14874/22

Notes: Application to compel compliance with Reg 3(2) (b) & Reg 6 (3) granted

Order: Draft Order on case line 009-7-009-8 is made an order of court.

Mr Madou

20. FNB BANK LTD VS A BOARDMAN 48798/20

Notes: Appl i.t.o s 46 (11) –Return on service on Respondent /Purchaser not acceptable 004-1 – service on principal door not mentioning which door as it is St Andrews Estate -Units are from 1 to 33- 003-25 is the correct address –Proof of address.

Order: Matter removed from the roll.

Adv Boonzaaier marienette@rsabar.com

21. B SIBAHLE VS RAF 32000/22

Notes: Application to compel compliance with Reg 3 (2 (b) and Reg 6 (3) –Order on case line 009-7-009-8 was granted –

Order: Draft Order on case line 009-9-009-10 is made an order of court

Adv

22. SALESCHECK CC VS ADVANCEFORCEONECOM LTD 63424/11

Notes: Rule 31 (5) Default Judgment Appl for Repossession- Short served

Order: Matter removed from the roll

Adv Marais

23. NEDBANK LTD VS M G NSHALATI 021595/22

Notes: Default Judgement & Rule 46A Application - served on customer care by email and Cecil Steyn not Respondents – No Draft order for substituted service

Order: Matter to be postponed sine die

Adv Markram-Jooste karlienmarkram@gmail.com

24. EX PARTE: L HORN 075875/23

Notes: Rehabilitation Application -

Order: Draft Order on case line 017-1-017-2 is made an order of court

Adv B Lee advblee@msn.com

25. FNB BANK LTD VS C T NCUBE 009835/23

Notes: Settlement agreement made an order of court

Order: Draft Order on caseline 14-1-14-8 is made an order of court

Adv

26. NEDBANK LTD VS K M MATEMANE 31605/22

Notes: Rule 31 (2) and 46A Application - **Proof of the proceeds of the sale**

Order: Matter to be postponed for filing of proof of proceeds.

Adv Nell annekenell5@gmail.com

27. STD BANK LTD VS T G GAPE 14714/21

Notes: Default Judgment & Rule 46A Application –

Order: Draft order on case line 05-1-05-3 is made an order of court

Adv Ragoale morakgoale@gmail.com

28. P MATLAILA VS RAF 10241/17

Notes: Application to compel delivery of s 17 (4) (a) Certificate of Undertaking-

Order: Draft Order on case line 005-1-005-2 is made an order of court

Adv Nell annekenell5@gmail.com

29. AL-ASR COLLECTION VS S MAKWEDINI 35962/22

Notes: Application for Rule 46A (1) Application – Personal service on Respondent –
Windeed report on the property – Co owned according to draft order-cited or served
with documents as well.

Order: Application granted in terms of Prayer 2 of the Notice of Motion for a
caveat-interdicted from disposing the property 01-1-01-3-

Adv Z Schoeman

30. EX PARTE: S JONCK 016834/22

Notes: Voluntary Surrender- -

Order: Draft Order on case line 015-1-015-2 is made an order of court

Adv Lee advblee@msn.com

**BY THE TIME THIS ROLL WAS FINALISED THE UNDERMENTIONED COURT ONLINE MATTERS
WERE NOT DISPLAYING DOCUMENTS ON CASELINE**

- | | | | |
|---|-----------|----------------------------|------------------|
| 31. A VAN VOLLENHOVEN | VS | C J VAN VOLLENHOVEN | 050831/ |
| Notes: No Docs | | | |
| Order: Removed | | | |
| | | | |
| 32. FAMILIE ROUX LTD | VS | ADZAM SOLAR LTD | 059873/23 |
| Notes: Initial pagination under way – DOCS not accessible, 9h00 | | | |
| Order: Removed | | | |
| | | | |
| 33. FAMILIE ROUX LTD | VS | BANTU MITU CHEMIST | 059868/23 |
| Notes: MESSAGE DISPLAYED - NO CASES FOR THIS FILTER 9h00 | | | |
| Order: Removed | | | |
| | | | |
| 34. G S MCLEOD | VS | GREAT ICONS TRADING | 048929/23 |
| Notes: Couldn't access Docs. 9h00 | | | |
| Order: Removed | | | |
| | | | |
| 35. GUARDRISK INSURANCE | VS | J P VAN STADEN | 033613/23 |
| Notes: Payment of a debt – Default Judgment - | | | |
| Order: under consideration | | | |

