

PRACTICE DIRECTIVE NO. 1/2011

IN THE NORTH GAUTENG HIGH COURT, PRETORIA
(REPUBLIC OF SOUTH AFRICA)

AMENDMENT OF PRACTICE MANUAL, NORTH GAUTENG HIGH COURT, PRETORIA, RELATING TO THE HEARING OF SUMMARY JUDGMENT APPLICATIONS.

Practitioners are hereby notified of the following amendments to Chapter 13.23 of the Practice Manual, North Gauteng High Court, Pretoria, (which governs applications for Summary Judgment) which will apply with immediate effect:-

1. The deletion of sub-paragraph and the substitution thereof with the following: -

“ 3.1 No summary judgment application (whether unopposed or opposed) will be heard unless the plaintiff:-

- for
- 3.1.1 ensures that all the relevant papers (i.e. the summons, notice of intention to defend, application summary judgment and any affidavits filed) are indexed and paginated; and
 - 3.1.2 files a practice note, which, in the case of an unopposed application, must also briefly outline the issues and refer to the relevant legislation and case law; and
 - 3.1.3 where the application is opposed, files short heads of argument which demonstrate why the Defendant/s has/have not set out a *bona fide* defence.
- 3.2 Where a defendant has filed an opposing affidavit before the close of the roll the defendant must file short heads of argument which demonstrate why summary judgment cannot be granted.
- 3.3 Where the defendant fails to file heads of argument the application will not be postponed unless there are exceptional circumstances requiring a postponement, but the court may make an appropriate costs order whatever the outcome of the application.”

2. The inclusion of a new sub-paragraph 5. To read:-

“5. The plaintiff will be entitled and the supervisor will be obliged to allow the plaintiff to comply with the provisions of paragraph 3.1 above.”

SIGNED AT Pretoria THIS 18th day of NOVEMBER 2011

1

W J van der Merwe
Deputy Judge President
North Gauteng High Court