



OFFICE OF THE JUDGE PRESIDENT  
MR JUSTICE E.M MAKGOBA

HIGH COURT OF SOUTH AFRICA, LIMPOPO DIVISION, POLOKWANE

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25 January 2021

## **JUDGE PRESIDENT'S DIRECTIVE NO 01/2021**

### **LIMPOPO DIVISION OF THE HIGH COURT, POLOKWANE**

**TO: ALL LEGAL PRACTITIONERS**

**ALL REGISTRARS**

**RE: PROBLEMS ENCOUNTERED IN THE UNOPPOSED MOTION COURT**

1. The standard of practice in the Unopposed Motion Court is going down day by day.  
During the past week, Motion Court of 19<sup>th</sup> and 21<sup>st</sup> January 2021, I have come to realise that legal practitioners are simply not serious about their matters in Court.
2. Despite numerous previous practice directives issued to legal practitioners, the Court files are still not in order at the date of hearing of the matters.  
The files are not properly indexed and paginated or at all.
3. The most common problems experienced in almost each and every Default Judgment and Summary Judgment applications are the following:

- 3.1. Outdated Certificates of Balances (This Court has previously issued practice directive in terms whereof it was directed that Certificates of Balance are not to be older than three months).
  - 3.2. Lapsed National Credit Act Registration Certificates.
  - 3.3. Electronic Communications and Transactions Act 36 of 2005, affidavits are not filed.
  - 3.4. Stale Service of Summons, especially when it is a default judgment application, without a notice of set down having been served.
  - 3.5. Sheriff's Returns of Service are not filed.
4. The most common problems experienced in Winding-up and Liquidation Applications are:  
Where a provisional order was granted, non-compliance with the provisional Court order on the return date resulting in the return date being extended unnecessary.
5. On the 19 January 2021 there were 58 matters on the roll in the unopposed motion Court.  
Only 14 matters / files were in order. The other matters (44) had queries or outstanding documentation and thus removed or struck from the roll or postponed *sine die*.
6. Legal Practitioners should ensure that a proper case should have been made in the papers before the matter is even presented before a Judge.

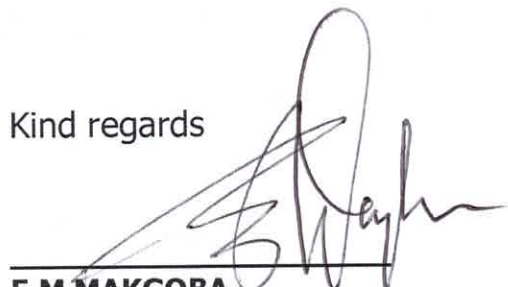


There is no reason for any documents to be handed up in Court in unopposed motion Court except in exceptional circumstances.

7. In order to limit the risk of Covid-19 spreading in Court and putting all stakeholders at risk, Draft Orders in all unopposed matters should be filed simultaneously when the indexing and pagination is done. The Draft Orders can then be amended in Court depending on the change of circumstances.  
This will also afford the Presiding Judge the opportunity to peruse and consider the Draft Orders before making same order of Court.
8. You will no doubt appreciate that the striking or removal of matters from the roll will result in a huge backlog of cases.
9. Legal Practitioners are therefore called upon to comply with the Court rules and Practice Directives to ensure the smooth running and finalisation of Court matters. Needless to say that the Presiding Judges will strictly enforce these directives.

I trust that you will find the above in order and I look forward to your co-operation in this regard.

Kind regards



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**E M MAKGOBA**  
**JUDGE PRESIDENT OF THE HIGH**  
**COURT, LIMPOPO DIVISION**

