

"XYZ"

25/8/2022

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case NO: 58145/2020

On this the 25th day of August 2022

Before His Lordship Justice Van der Westhuizen

In Court B, Palace of Justice, Pretoria

In the matter between:

ROAD ACCIDENT FUND

and



Applicant

THE LEGAL PRACTICE COUNCIL

THE BOARD OF SHERIFFS

ABSA BANK

THAKA F SEBOKA N.O.
(SHERIFF, PRETORIA CENTRAL)

LANA NEL N.O. (SHERIFF, PRETORIA EAST)

SHOKENG E DHLAMINI N.O.
(SHERIFF, CENTURION EAST)

MARKS THAPELO MANGABA N.O.
(SHERIFF, JOHANNESBURG CENTRAL)

NELSON NTSIBANTSU N.O.
(SHERIFF, CAPE TOWN WEST)

NOMANDLA NDABENI N.O.
(SHERIFF, EAST LONDON)

G S NDLOVU N.O.
(SHERIFF, DURBAN CENTRAL)

AD DANDALA & ASSOCIATES

GODLA & PARTNERS

SITHOMBE ATTORNEYS

1st Respondent

2nd Respondent

3rd Respondent

4th Respondent

5th Respondent

6th Respondent

7th Respondent

8th Respondent

9th Respondent

10th Respondent

11th Respondent

12th Respondent

13th Respondent

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K MALAO INCORPORATED
MDUZULWANA ATTORNEYS
ROBERT MUVHIMI
MOTLHOLO KOOS TLHAOLE

14th Respondent
15th Respondent
16th Respondent

PHILADIPHIA NOMTHANDAZO MEMELA

SIPHO SKHOSANA
LINDIWE MACAKA
JUSTINE CHEPETE
EVIDENCE SHAVA



DVDM INCORPORATED

DE BROGLIO ATTORNEYS INC.

17th Respondent
18th Respondent

VDS ATTORNEYS

19th Respondent

ROETS & VAN RENSBURG

20th Respondent

PERSONAL INJURY PLAINTIFF'S LAWYERS ASSOCIATION

21st Respondent

ADVOCATE RAF FEE RECOVERY ASSOCIATION

22nd Respondent

KHOROMBI MABULI INCORPORATED

23rd Respondent

W E EMERGENCY RESPOND TEAM (PTY) LTD

24th Respondent

PRETORIA ATTORNEYS ASSOCIATION

1st Amicus Curiae

GENERAL COUNCIL OF THE BAR

2nd Amicus Curiae

DRAFT ORDER

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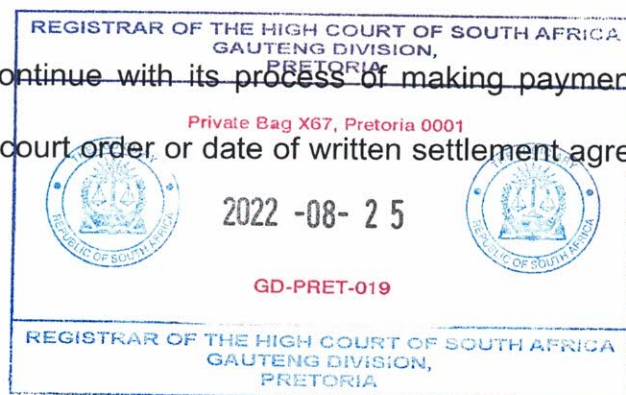
HAVING READ THE PAPERS AND HAVING HEARD Counsel on behalf of the Applicant, the, 11th Respondent, 14th Respondent, 15th Respondent, the 19th Respondent, the 20th Respondent, 23rd Respondent and the 24th Respondent, the following order is made:

1. That the order of the Full Court dated 09 April 2021, in terms of which writs of attachment and warrants of execution based on court orders already granted or settlements reached in terms of the Road Accident Fund Act, 56 of 1996, which

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are not older than 180 days as from the date of the date of the court order or the date of the settlement reached, are suspended, is hereby extended for six months from the date of this order.

2. All attorneys who represent a claimant and whose matter has not been placed on the Requested Not Yet Paid ("RNYP") is to provide the Applicant with a list of such claimants' claims which do not appear on the RNYP List by no later than 30 September 2022
3. The Applicant is ordered to place all matters as referred to in paragraph 2 above, on the RNYP List by no later than 30 October 2022.
4. The Applicant is to pay all claims based on court orders already granted or settlements already reached in terms of the RAF Act, which are older than 180 days as from the date of the court order or date of the settlement reached, on or before 30 October 2022, provided that the applicant has been notified by an attorney who represents the claimant that have such claims that are older than 180 days of the existence of such claims by no later than 30 September 2022.
5. The Applicant is to continue distributing the RNYP list to the attorneys on its database on a bi-monthly basis.
6. The Applicant is to continue with its process of making payment of the oldest claims first by date of court order or date of written settlement agreement *a priori tempore*.



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7. In respect of suppliers' claims as raised by the 24th Respondent (W E Emergency Respond), the extension of the moratorium on payments is excluded.
8. The internal block against the 23rd Respondent is lifted.
9. That this order will be published by the Applicant:
- 9.1 to all practicing attorneys through the Legal Practice Council;
 - 9.2 by email to all of the Applicant's list of attorneys on its database;
 - 9.3 to the Minister of Transport by service on the State Attorney;
 - 9.4 by publication in major newspapers in Gauteng, Western Cape, Northern Cape, Eastern Cape, Kwazulu-Natal, Free State, Limpopo, North-West and Mpumalanga.
10. The Applicant will pay the party and party costs herein of the 15th Respondent, the 19th Respondent, the 20th Respondent, the 23rd Respondent and the 24th Respondent, including the costs of the intervention application, and the costs of two counsel where employed.
11. The 11th and 14th Respondent will be liable for their own costs.

BY ORDER,


REGISTRAR.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA	
Private Bag X67, Pretoria 0001	
	2022 -08- 25
GD-PRET-019	
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA	


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for Applicant: CE Puckrin SC, K Kollapen and P Nyapholi-Motsie 082 843 1664

for the 11th and 14th Respondent: T C Tshavhungwa 082 2999 099

for 15th and 24th Respondents: BP Geach SC and FHH Kehrhahn 083 680 6578

for the 23rd Respondent: J Lazarus 079 494 8019

for 19th and 20th Respondents: BP Geach SC and F deW Keet 083 680 6578

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