

PRACTICE DIRECTIVE FOR THE MANAGEMENT OF THE CIVIL TRIAL

ROLL: SECOND TERM: 2018

A INTRODUCTION

1. The issuing of notices of set down for civil cases to be heard during the second term, 2018 without the Judge President and/or the Deputy Judge President having endorsed such step came about through inadvertence, the Registrar's Office not having given heed to the Judge President's directive that preference be given to setting down civil cases, certified trial ready, with older case numbers than the newer ones.
2. In an endeavour to remedy the situation a civil trial roll for the second term that excluded civil cases with newer case numbers was issued. This roll had the endorsement of the Judge President.

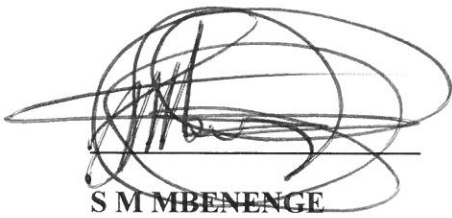
B CHALLENGES

3. Some, if not most, practitioners have, purely upon receipt of notices of set down and without the issuing of the civil trial roll for the second term (in terms of rule 3 of the Rules Regulating the Conduct of the Proceedings of the Eastern Cape Division of the High Court (published in GN R3289 of 12 the September 1969), engaged in costly preparations, including securing the attendance of expert witnesses from outside of Mthatha on the relevant hearing dates.
4. Practitioners and litigants whose cases appear on the civil trial roll issued on or about 5 March 2018 and those whose cases were set down in the circumstances referred to in paragraph 1 above, all expect that their cases will be tried during the course of next term. The civil trial roll for the second term has, in effect, become huge.

C REMEDIAL STEPS

5. To ameliorate the situation, the following remedial steps shall be taken:
 - 5.1 A consolidated roll of all civil cases subject to this directive shall be issued today. To bring completeness to the process, and subject to what is stated herein under, notices of set down shall be issued by the Registrar even in respect of the category of cases referred to in paragraph 2 above.

- 5.2 It shall be available to parties to any of the cases appearing on the consolidated civil trial roll to jointly remove matters not ripe for hearing, at least 2 weeks before the date of set down.
- 5.3 A Pre-trial meeting presided over by the Judge President or the Deputy Judge President, during which the parties shall declare the state of readiness of the cases on the consolidated trial roll, shall be held in A Court on Friday 23 March 2014 at 14:00. Should there be no appearance by both parties at this meeting, when a case is being called, the case **shall** be removed from the roll (NB this is a Pre-trial meeting (and not a court sitting), hence none of the parties' legal representatives need to be robed).

A handwritten signature in black ink, consisting of several overlapping loops and lines, positioned above the printed name.

S M MBENENGE

JUDGE PRESIDENT

Date: 09 March 2018