

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

"X"
89/3/23

BEFORE HIS LORDSHIP MR JUSTICE SWANEPOEL
9 MARCH 2023

Case No: 58145/2020

In the matter between:

ROAD ACCIDENT FUND

Applicant

and

THE LEGAL PRACTICE COUNCIL

First Respondent

THE BOARD OF SHERIFFS

Second Respondent

ABSA BANK

Third Respondent

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

Fourth Respondent

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

Fifth Respondent

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

Sixth Respondent

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

Seventh Respondent

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

Eighth Respondent

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

Private Bag X67, Pretoria 0001

Ninth Respondent

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

2023-03-09

Tenth Respondent

AD DANDALA & ASSOCIATES

GB:PHET-006

Eleventh Respondent

GODLA & PARTNERS

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Twelfth Respondent

SITHOMBE ATTORNEYS

Thirteenth Respondent

K MALAO INCORPORATED

Fourteenth Respondent

MDUZULWANA ATTORNEYS

Fifteenth Respondent

ROBERT MUVHIMI

Sixteenth Respondent

MOTLHOLO KOOS TLHAOLE

PHILADIPHIA NOMTHANDAZO MEMELA

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SIPHO SKHOSANA
LINDIWE MACAKA
JUSTINE CHEPETE
EVIDENCE SHAVA
DVDM INCORPORATED
DE BROGLIO ATTORNEYS INC.
VDS ATTORNEYS
ROETS & VAN RENSBURG
PERSONAL INJURY PLAINTIFF'S
LAWYERS ASSOCIATION
ADVOCATE RAF FEE RECOVERY ASSOCIATION
KHOROMMBI MABULI INCORPORATED
WE EMERGENCY RESPOND TEAM (Pty) LTD
PRETORIA ATTORNEYS ASSOCIATION
GENERAL COUNCIL OF THE BAR

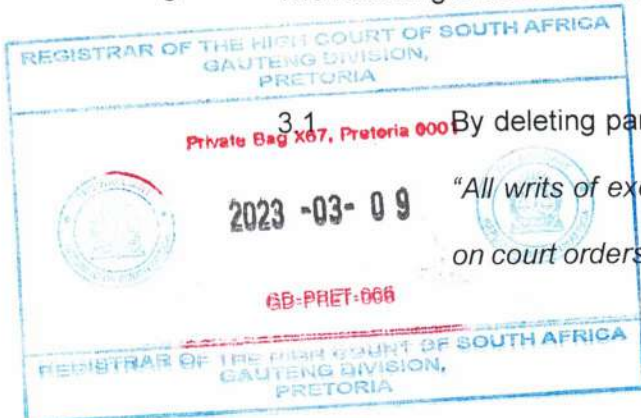
Seventeenth Respondent
Eighteenth Respondent
Nineteenth Respondent
Twentieth Respondent

Twenty-First Respondent
Twenty-Second Respondent
Twenty-Third Respondent
Twenty-Fourth Respondent
First *amicus curiae*
Second *amicus curiae*

DRAFT ORDER

The following orders are made by agreement between the parties:

- 1 The matter is referred to the Deputy Judge President for special allocation.
- 2 The orders that were granted by Justice Van der Westhuizen on 25 August 2022, a copy of which is attached hereto marked "A", under paragraph 1 to 7 are reinstated, and ordered pending the resolution of this matter.
- 3 The following orders are varied and ordered to read as follows:



By deleting paragraph 1 of the above order and substituting it with
"All writs of execution and attachment against the applicant based
on court orders already granted or settlements against the applicant"

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already reached in terms of the Road Accident Fund Act, 56 of 1996 as amended, are suspended until the order or the settlement has aged 180 days from the date of that court order or that settlement agreement. This order will take effect immediately, and will be effective, for six months or until this matter is heard by the date arranged by the Deputy Judge President for a special allocation, whichever date is the earlier."

3.2 The date referenced in paragraph 2 of the above order is varied to read "by no later than 31 March 2023";

3.3 By inserting "by email to 45A-order@raf.co.za" after "claims which do not appear on the RNYP list" as referenced in paragraph 2 of the above order;

3.4 The date referenced in paragraph 3 of the above order is varied to read "by no later than 28 April 2023. If the RAF fails to load such matters on the RNYP list as stated herein then the party may take execution steps against the applicant, if the party has demonstrated that they have sent the details of the matter to the above email address as ordered herein, and if the party has demonstrated that it has also informed the applicant's attorneys of record in this matter of the fact that the matter or matters were still not uploaded by the applicant as set out herein, within 5 days thereafter. The party can then execute on the order if nothing further in this regard is done within 5 Court days."



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- 3.5 The first date referenced in paragraph 4 of the above order is varied to read "on or before 28 April 2023";
- 3.6 The second date referenced in paragraph 4 of the above order is varied to read "by no later than 31 March 2023";
- 3.7 By inserting "by email to 45A-order@raf.co.za" after "of the existence of such claims" as referenced in paragraph 4 of the above order.
- 4 The applicant is ordered to pay all claims currently on its RNYP list, which are older than 180 days by 13 April 2023, but this order shall not deprive the RAF of the right to contest the order in terms of any law.
- 5 Brits & Beukes Incorporated are joined hereto as the third *amicus curiae* and Fearless Azanian Lawyers Association are joined as the fourth *amicus curiae*.
- 6 Should any further party wish to apply to join as either a respondent or as an *amicus curiae* then such party shall file its application for joinder supported by an affidavit on or before the 11th of April 2023.
- 7 The applicant is ordered to file a supplementary affidavit, or replying affidavit, if any, by 28 April 2023.
- 8 This order shall be published by the applicant as follows:
- 8.1 To all practicing legal practitioners through the Legal Practice Council;



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- 8.2 By email to all of the applicant's list of attorneys on its database;
- 8.3 To the Minister of Transport by service on the State Attorney;
- 8.4 By publication in major newspapers in Gauteng, Western Cape, Northern Cape, Eastern Cape, Kwazulu-Natal, Free State, Limpopo, North-West and Mpumalanga.
- 9 The RAF tenders the payment of the following party's wasted costs for enrolment of this application, including the costs of two counsel, where so employed:
- 9.1 Mdusulwana Attorneys;
- 9.2 De Broglio Attorneys Incorporated;
- 9.3 DVDM Attorneys;
- 9.4 VDS Attorneys;
- 9.5 Roets & Van Rensburg;
- 9.6 The Personal Injury Plaintiff's Lawyers Association;
- 9.7 Beukes Brits Attorneys;
- 9.8 Fearless Azanian Attorneys Association;



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BY ORDER

REGISTRAR OF THE COURT



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"RAF3"

"XYZ"

01 -78

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

25/08/2022

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

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

2022 -08- 2 5

GD-PRET-019

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

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

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

2022 -03- 0 9

GD-PRET-006

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

01 -78

25/08/2022

**K MALAO INCORPORATED
 MDUZULWANA ATTORNEYS
 ROBERT MUVHIMI**

14th Respondent
 15th Respondent
 16th Respondent

**MOTLHOLO KOOS TLHAOLE
 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

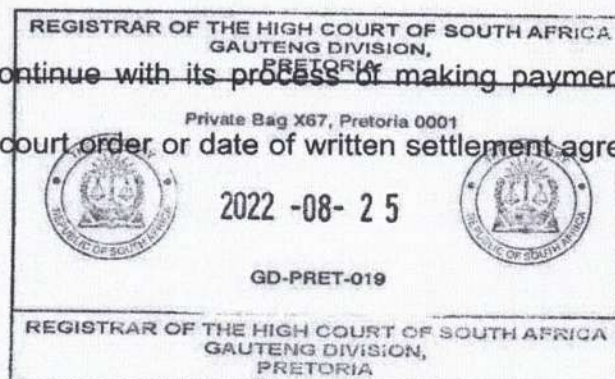
DRAFT ORDER
 25/08/2022

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

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 priore tempore*.



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.

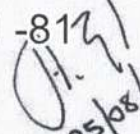
10. The Applicant will pay the party and party costs herein of the 15th Respondent, the 19th Respondent, the 20th Respondent, the 23rd Respondent and the 24th Respondent, including the costs of the intervention application, and the costs of two counsel where employed.

11. The 11th and 14th Respondent will be liable for their own costs.

BY ORDER,

REGISTRAR.



01 -812

25/08/2022

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

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