

SOUTH AFRICA / JUDGMENT

Munyaradzi v Road Accident Fund (31742/2019) [2025] ZAGPJHC 571 (10 June 2025) [2025] ZAGPJHC 571

COURT

South Gauteng High Court, Johannesburg

BEFORE

Yacoob

CASE / FILE NUMBER

31742/2019

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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION,
JOHANNESBURG
CASE NO: 31742/2019

DATE:

2025-06-03

(1)

REPORTABLE: YES / NO.

(2)

OF INTEREST TO OTHER JUDGES: YES / NO.

(3)

REVISED.

In

the matter between

KAMBANJE

MUNYARADZI

Applicant

and

ROAD ACCIDENT

FUND

Respondent

JUDGMENT

YACOOB, J: This matter was allocated to me for trial for today being set down for two to three days. A practice note was filed indicating that the matter was ready for trial. Thereupon it was allocated to me for hearing.

On counsel appearing, I was informed that counsel for the plaintiff was only briefed in order to remove the matter, that even though his name appears on the practice note, it was inserted by attorney and that counsel was, in fact, on trial in another matter today in this court.

He further indicated that the reason for the removal is that certain documents are still outstanding. The defendant's counsel, Ms Mhlongo confirmed that on the defendant's side they were also looking for some documents and that, in fact, there was supposed to be a removal by agreement with no order as to costs.

However, in these circumstances where the matter was not ready for trial, and the attorney caused a practice note to be filed, indicating that the matter was ready for trial, and causing an allocation, in circumstances where it is well-known to the public that the Court's roll is overrun and that people awaiting for court dates to 2031, it is unacceptable that the matter was allowed to remain on the roll when it was not ready.

For these reasons I consider it appropriate to reserve costs of the postponement to be determined by the trial court, and to require that the attorney for the plaintiff file an affidavit, explaining his conduct and providing reasons why he should not be ordered to pay the costs for today *de bonis propriis*.

I make the following order:

1. The matter is removed from the roll.
2. Costs are reserved to be determined by the trial court.
3. The plaintiff's attorney is to file an affidavit explaining his conduct and providing reasons to the trial court why they should not be ordered to pay the costs of the postponement *de bonis propriis*.

YACOOB, J

JUDGE OF THE HIGH COURT

DATE:

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/munyaradzi-v-road-unknown-topic-agpjhc-2025>

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