

SOUTH AFRICA / JUDGMENT

Nala v Road Accident Fund (2015/38831) [2025] ZAGPJHC 207 (28 February 2025)

[2025] ZAGPJHC 207

COURT

South Gauteng High Court, Johannesburg

BEFORE

Zubair Khan

CASE / FILE NUMBER

2015/38831

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IN

THE HIGH COURT OF SOUTH AFRICA

GAUTENG

DIVISION, JOHANNESBURG

[1]

REPORTABLE: YES

[2]

OF INTEREST TO OTHER JUDGES: NO

[3]

REVISED: YES

DATE: 28 February

2025

Case

Number: 2015 / 38831

In

the matter between:

NALA:

DUMISANE

SOLOMON

Plaintiff

and

ROAD

ACCIDENT

FUND

Defendant

Summary:

Application
for Postponement from the Bar – records
of the Defendant indicating that matter was defended previously –
postponement required to locate records
Special
Circumstances – Defendant
having terminated its panel of attorneys and not recovering all
documentation
Request
for Postponement at late stage – RAF
unable to explain why it only became aware of this application at a
late stage and seeking postponement at a late stage.
ORDER
OF COURT
The

following order is made:

1.
This matter is postponed sine die;
2.
Costs are reserved.

JUDGMENT

ZUBAIR KHAN AJ

[1] The Plaintiff set this matter down to default judgment. At the hearing of this matter, the Defendant sought a postponement on the

basis that its records indicates that the matter was previously timeously opposed.

[2] Counsel for the Defendant indicated that they have not been able to locate the Notice of Intention to Defend but their computer system indicates that their previous panel attorney did defend the matter.

[3] Defendant is unable to satisfactorily explain why they did not attempt to locate the document when the matter was set down for

default judgment and the Notice Served on Defendant.

[4] Notwithstanding, if there does exist a Notice of Intention to Defend then the Plaintiff would not be entitled to be before this Court. I am unable to determine if there exists a Notice to Defend or Not.

[5] In the circumstances, it is appropriate that this matter postpones and the issue of costs be held over for future determination.

[6] In the result the following order is made:

3. This matter is postponed sine die;

4. The costs of this application are reserved.

ZUBAIR KHAN

ACTING JUDGE OF THE HIGH COURT

This judgment was handed down electronically by circulation to the parties' and/or parties' representatives by email and by being uploaded to CaseLines. The date and time for hand-down is deemed to be 12h00 on 28 February 2025.

APPEARANCES:

COUNSEL FOR THE APPLICANT:

TE MORUDU

ATTORNEY FOR THE APPLICANT:

MOHLATLOLE TP

ATTORNEYS

COUNSEL FOR RESPONDENT:

MRS NZANZIYA

ATTORNEY FOR THE RESPONDENT:

STATE ATTORNEY

(JOHANNESBURG)

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