

## **PRACTICE DIRECTIVE 37:**

### **General Practice Directive – Miscellaneous Matters**

#### **Effective immediately unless otherwise stated**

- 37.1 In all matters (including applications for summary judgment), where, in addition to a claim sounding in money, an order is sought declaring immovable property to be specially executable, a judgment for the claim sounding in money will no longer be granted separately from a consideration of the claim to declare such property specially executable.
- 37.2 With effect from 1 December 2018 the Registrars will no longer issue any process where the claim falls within the monetary jurisdiction of the Magistrates' Court. The Registrars will be entitled to depart from this directive, on a case by case basis, only upon the written authority of the Judge President or the Deputy Judge President who may grant such authority on good cause shown after written application has been made for such departure.
- 37.3 With effect from 1 December 2018 the Registrar at the Provincial Division in Pietermaritzburg will no longer issue any process containing a claim declaring immovable property specially executable where such property is situated within the area of jurisdiction of the Local Division.
- 37.4 Practitioners are reminded of the provisions of Practice Directive 8 relating to applications. In this regard Applications commenced under Form 2(a) (ie. the long form Notice of Motion) will not be enrolled on the Motion Court Rolls until after the expiry of the time specified and allowed for the delivery of a Notice of Opposition and only on the issue of a Notice of Set Down delivered to the Registrar after that specified time and date has elapsed and no Notice of Opposition has been delivered. It is not proper to include the words "...*kindly place the matter on the roll for hearing...*" (or words having a similar effect) in Form 2(a), unless special circumstances exist.
- 37.5 In all matters in Motion Court, where an order will be sought in terms not precisely in accordance with what is set out in the papers, practitioners will be required to hand up a typewritten draft order containing the terms of the Order that will be sought. Manuscript drafts will only be accepted in exceptional circumstances.