



LEBETHE ATTORNEYS INC.

Babueledi/Attorneys/Prokureurs & Debt Counselors
ncrdc427 Reg No: (M25141)

Copy

VAT: 4140261787

Your ref:

Our ref: L Makin/EMM 077

04 August 2016

DEPUTY JUDGE PRESIDENT

SOUTH GAUTENG HIGH COURT

Dear Sir/Madam,



RE: REQUEST FOR DIRECTIVE COMPELLING RESPONDENT TO DELIVER HEADS OF ARGUMENT AND PRACTICE NOTE IN TERMS OF PARAGRAPH 4(b) OF CHAPTER 9.8.2 OF THE MOTION COURT DIRECTIVE

EVICITION APPLICATION –
EKURHULENI METROPOLITAN MUNICIPALITY // GOMLASH ESMUEL OLIVIER
CASE NUMBER: 2015/11580

The above matter refers.

We confirm that the above application is opposed and that we act herein on behalf of the Applicant.

In terms of Chapter 9.8.2 of the Motion Court Directive headed "Enrolment", the Applicant has –

1. On 14 June 2016 served the Consolidated Index; and
2. On 15 June 2016 served its Practice Note and Heads of Argument

In terms of the Motion Court Practice Directive, the Respondent was required to serve his Practice Note and Heads of Argument on 7 July 2016, but has failed to do so.

The Applicant therefore, in terms of paragraph 4(a) of Chapter 9.8.2 of the Motion Court Directive, headed "Enrolment", served a letter requiring the Respondent to serve his Practice Note and Heads of Argument. A copy of the letter with proof of transmission is attached hereto for your ease of reference.

The Applicant therefore now requests that you issue a directive, in terms of paragraph 4(b) of Chapter 9.8.2 of the Motion Court Directive, headed "Enrolment", to compel the Respondent to deliver his Practice Note and Heads of Argument in this matter.

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On 8 July 2016, the Applicant's representative attended at court in order to deliver a similar request, in terms of paragraph 4(b) of Chapter 9.8.2 of the Motion Court Directive, headed "Enrolment" and was advised by the opposed motion clerk that prior to doing so a Chronology and List of Authorities by the Applicant needed to be served and filed.

The Chronology and List of Authorities was served on the Respondent's Attorney on 04 August 2016 and will be filed, together with this letter.

In the circumstances we now await your directive herein.

We confirm that a copy of this letter bearing the court stamp will be provided to the Respondent, for his records, as proof of delivery hereof.

We trust that you will find the above to be in order and now await your directive.

Regards


.....
LORIANE MAKIN
LEBETHE ATTORNEYS
E-MAIL: makinl@lebetheattorneysinc.co.za

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nerdc427 Reg No: (M25141)

VAT: 4140261787

Your ref: BJE/DR/CIV-0835/15

Our ref: L Makin/EMM 077

08 July 2016

BUTHELEZI ATTORNEYS

Fax: 011 904-3031

Dear Sir,

RE: EVICITION APPLICATION –
EKURHULENI METROPOLITAN MUNICIPALITY // GOMLASH ESMUEL OLIVIER
CASE NUMBER: 2015/11580

The above matter refers.

We confirm that the Applicant's Practice Note and Heads of Argument were served upon yourselves on 15 June 2016.

In terms of the Motion Court Practice Directive you were required to serve your client's Practice Note and Heads of Argument by Thursday, 7 July 2016, and have failed to do so.

Kindly now furnish ourselves with your client's Practice Note and Heads of Argument so that a date may be allocated to this matter.

A copy of this letter will be delivered, together with the letter required in terms of paragraph 4(b) of Chapter 9.8.2 of the Motion Court Directive, headed "Enrolment" to the Deputy Judge President requesting that a directive be issued to compel you to deliver your client's heads of argument and practice note and a copy of the filed letter bearing the court stamp will be provided to you shortly for your records.

We now await your client's Practice Note and Heads of Argument.

Regards

.....
LORIANE MAKIN
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* * * Communication Result Report (8. Jul. 2016 9:49) * * *

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Date/Time: 8. Jul. 2016 9:48

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E. 4) No facsimile connection
E. 6) Destination does not support IP-Fax



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08 July 2016

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Fax: 011 904-3031

Dear Sir,

RE: EVICTON APPLICATION -
EKURHULENI METROPOLITAN MUNICIPALITY // GOMLASH ESMUEL OLIVIER
CASE NUMBER: 2015/11580

The above matter refers

We confirm that the Applicant's Practice Note and Heads of Argument were served upon yourselves on 15 June 2016.

In terms of the Motion Court Practice Directive you were required to serve your client's Practice Note and Heads of Argument by Thursday, 7 July 2016, and have failed to do so.

Kindly now furnish ourselves with your client's Practice Note and Heads of Argument so that a date may be allocated to this matter.

A copy of this letter will be delivered, together with the letter required in terms of paragraph 4(b) of Chapter 9.8.2 of the Motion Court Directive, headed "Enrolment" to the Deputy Judge President requesting that a directive be issued to compel you to deliver your client's heads of argument and practice note and a copy of the filed letter bearing the court stamp will be provided to you shortly for your records.

We now await your client's Practice Note and Heads of Argument.

Respectfully,

.....
LORIANE MAKIN
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