

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG LOCAL DIVISION, JOHANNESBURG

CASE NO: 25199/2021

DATE: 12-06-2024

DELETE WHICHEVER IS NOT APPLICABLE

(1) REPORTABLE: NO.

(2) OF INTEREST TO OTHER JUDGES: NO.

(3) REVISED.

DATE 12 June 2024

SIGNATURE



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In the matter between

AGNES PHADZIRI

Plaintiff

and

CHARLMAN SIKHOSANA AND OTHERS

Defendants

J U D G M E N T E X T E M P O R E

WILSON, J: This matter was allocated a trial date on 28 August last year. The allocated trial date was 10 June 2024, two days ago. It is now Wednesday, 12 June 2024. When the matter was called today, having been stood down from 10 June, I was informed that counsel for none of parties is available because they had absented themselves to work on other briefs, the matter not having been allocated a judge on 10 June itself.

It is the practice in this division that counsel who are briefed on trial to commence on a Monday in circumstances where a judge is not allocated to commence the trial on Monday must hold themselves open until a judge is allocated.

It appears that neither counsel in this case did that. I was also informed, by the attorney for the plaintiff, that the plaintiff did not know, until last week, that the trial date had been set for 10 June 2024.

10 There is a widely-shared note on the CaseLines entry for this matter informing the parties of the allocated trial date of 10 June 2024. The note was posted on 28 August 2023. I find it difficult to accept that anyone could have been unaware of the trial date if they had logged into the CaseLines file at any point since then. Assuming, as I must, that the attorney for the plaintiff is telling the truth, it seems to me that no one for the plaintiff had in fact checked the CaseLines file for this matter between 28 August last year and some point last week. Accordingly, they did not
20 find out that a trial date had been allocated.

The conduct of counsel in this case and the conduct of the attorney for the plaintiff falls below what can reasonably be expected of legal representatives who are required to prepare a matter for trial. I record the Court's disappointment with all the representatives involved. It

seems to me that the attorneys for the defendants cannot escape criticism, since they appear to have done little or nothing to prepare for trial, in particular by engaging with the plaintiff's representatives, since the trial date was allocated.

Trial dates on the civil roll in this division are precious things. Parties wait a long time for them, and the allocated dates must be grasped when they come along. In this case, through no fault of any of the parties, their legal
10 representatives, by ignoring the relevant conventions, by not checking CaseLines and by not preparing themselves appropriately, have let this trial day go.

That is unacceptable. The parties are however agreed that the matter must be postponed given that no one is prepared to proceed. But I do not think that any of the parties' legal representatives ought to be able to collect fees relating to any appearances or attendances during the course of this week. The reasons for my taking that view should be obvious.

20 For all these reasons I make the following order.

1. The trial is postponed *sine die*.
2. The parties' attorneys shall not be entitled to render an account as between

attorney and client in respect of any appearances or attendances during the week of 10 June 2024.

3. Each party shall otherwise pay their own costs.



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WILSON, J
JUDGE OF THE HIGH COURT
12 June 2024