



**THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG**

CASE NO: 19/43859

DELETE WHICHEVER IS NOT APPLICABLE

- (1) REPORTABLE: ~~YES~~/NO
(2) OF INTEREST TO OTHERS JUDGES: ~~YES~~/NO
(3) REVISED

09/01/2026

In the matter between:

SIYABONGA TWALA

Plaintiff

and

ROAD ACCIDENT FUND

Defendant

JUDGMENT

BHOOLA AJ,

Introduction

[1] This is an application for default judgment, where the plaintiff, Mr Siyabonga Twala, institutes action against the Road Accident Fund ("the RAF") seeking damages

arising from a motor vehicle collision that allegedly occurred on 27 December 2017, along Klerksdorp, Potchefstroom Road.

[2] The merits and general damages have been settled. The plaintiff's claim rests only on quantum. The plaintiff bears the onus of proving the negligence of the insured driver on a balance of probabilities.

Factual background

[3] The summons was issued and served on the defendant, who filed a notice of intention to defend the matter. The defendant delivered a plea but failed to respond to the plaintiff's request to attend a pre-trial conference in terms of Rule 37 of the Uniform Rules.

[4] On 25 October 2023 an order was granted directing the plaintiff to convene and comply with a pre-trial conference in terms of Rule 37 within seven (7) days of service of that order. The said order was served on 30 January 2024.

[5] On 1 August 2024, an order was granted striking out the defendant's defence.

[6] A practice note was uploaded on 15 July 2024, predating the striking out of the defence.

[7] On 10 April 2025, there was a substitution of attorneys for the plaintiff.

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[8] The application for default judgment was previously set down for hearing on 25 February 2025 and 5 May 2025. On each of these occasions the dates were allocated in accordance with the Practice Directive 1 of 2024 as amended and the notice of set down was served on the defendant.

[9] With regard to the matter placed before me, no notice of set down has been filed. No joint or unilateral practice note has been uploaded. The matter has accordingly not been enrolled on the default trial roll.

Legal Principles

[10] Practice Directive 1 of 2024, as amended in June 2024, regulates the enrolment, case management and hearing of civil trials, including Road Accident Fund matters in this Division. The following directives are applicable in this case:

10.1 Paragraph 19.3 regulates the requirements of practice notes which are peremptory.

10.2 Paragraph 19.4 deals with final enrolment and provides that compliant practice notes must be filed within the prescribed time periods before it may be heard.

10.3 Paragraph 22 provides that RAF matters enrolled for default judgment is not except from paragraph 19.

Evaluation

[11] The striking out of a defence does not, entitle a plaintiff to an immediate determination of quantum. Even where a defendant is in default, the plaintiff remains



obliged to properly enrol the matter for hearing and to prove damages, unless relieved of that obligation by law or a court order.

[12] In the absence of a notice of set-down and a practice-note, the matter is not properly before court for the adjudication of quantum. In such circumstances, the court is obliged to case manage the matter and issue procedural directives aimed at ensuring compliance with the Rules of Court and the Practice Directives.

[13] It would be inconsistent with the Practice Directive 1 of 2024 (as amended) and with the orderly administration of justice for this court to entertain or determine the issue of quantum where the matter has not been properly enrolled, and the mandatory practice note documentation has not been filed.

[14] The appropriate course in this matter under the circumstances is accordingly not to determine quantum, but to issue directions to enable the regularisation of the matter.

[15] The matter is accordingly not ripe for adjudication. To entertain it in its present form would condone irregular procedure and undermine directive-based case management.

Order

[16] In the result, the following order is made:

16.1 the matter is not ripe for the adjudication of quantum and cannot be considered as such in the absence of a proper set- down and a compliant practice note.

16.2 The plaintiff is directed to take steps to properly enrol the matter, on the default judgment trial roll, as may be appropriate, in accordance with Practice Directive 1 of 2024 (as amended) and the Uniform Rules of Court.

16.3 The plaintiff shall comply with all applicable pre-trial, case management and practice note requirements prior to enrolment.

16.4 The matter is removed from the default judgment trial roll.

16.5 There is no order as to costs.



CB. BHOOLA
JUDGE OF THE HIGH COURT
GAUTENG LOCAL DIVISION, JOHANNESBURG

Delivered: This judgment was prepared and authored by the Judge whose name is reflected on 09 January 2026 and is handed down electronically by circulation to the parties/their legal representatives by e mail and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 09 January 2026.



APPEARANCES

Date of hearing: 22 October 2025

Date of judgment: 09 January 2026

For the plaintiff: Adv. N Makopo

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Instructed by: Phefadu Attorneys

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For the Defendant: RAF State Attorney:

P Makhathini

(Tel: 072 452 7012)

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