



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

- (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES: NO
(3) REVISED.

SIGNATURE

DATE: 27/3/2026

CASE NO: 2024/109844

In the matter between:-

MORAG TA BROMFIELD

Applicant

and

SAFFRON BAGGALLAY AND ASSOCIATES (PTY) LTD
(Registration Number: 2013/168373/07)

Respondent

REQUEST FOR REASONS

ALLEN AJ

INTRODUCTION

[1] This is an opposed application for judgment against the respondent as follows:

“1. Judgment is granted in favour of the applicant against the respondent for:

- 1.1. payment of the sum of R4 680 605.51;
- 1.2. interest on the sum of R4 680 605.51 at the rate of 11.75% per annum from 5 July 2024 to date;
- 1.3. costs of the application.

2. Further or alternative relief.”

[2] The application was heard on 9 March 2026 and I made the following order:

1. The application is struck from the roll;
2. No order as to costs.

[3] On 20 March 2026 I received a request for written reasons, with no reference to any rule of court, from applicant's attorneys of record which reads as follows:

“SIRS,

KINDLY TAKE NOTICE that the Applicant hereby requests written reasons for the order handed down by the Honourable Acting Justice Allen on 09 March 2026.

The reasons are required to enable the Applicant to properly consider her position, including the possible noting of an appeal.”

BACKGROUND

[4] Paragraph 25.18 of Directive 1 of 2024 as amended reads as follows: “The joint practice note should be uploaded to the case file on court online and also transmitted via email no later than 20 court days prior to the week in which the matter has been set down to the Senior Judge in order to facilitate the Senior Judge allocating the matter and to facilitate the preparation of the matter by the Judge hearing the matter, including considering where necessary, a pre-hearing conference with the Judge hearing the matter.”

[5] In the instant matter no joint practice note was timeously filed and no email was received as per the directive or at all.

[6] Paragraph 25.16 of Directive 1 of 2024 was also not adhered to as no email was received.

DISCUSSION

[7] Applicant uploaded a practice note on 17 November 2025. This practice note was substituted by applicant’s unilateral practice note uploaded on 3 February 2026. The latter was substituted by a joint practice note uploaded on 25 February 2026 by respondent.

[8] On 25 February 2026 there was correspondence from applicant with my secretary to enquire about the hearing of the matter in open court on 9 March 2026 since travel arrangements needed to be made from Durban. I was inclined to adhere to a virtual hearing, but was informed this was no longer required. The correspondence was silent about the last practice note uploaded.

[9] The Directive of 1 December 2025 reads that applicant was to upload a certificate to certify that the papers comply with the requirements of this directive,

failing which the registrar shall not further process the matter. The directive further reads that: "...if a matter is inadvertently processed, the Judge who is eventually called upon to hear the matter shall strike it from the roll and punitive costs may follow." (Own emphasis)

[10] Applicant's certificate referred to a unilateral practice note. This practice note was substituted by the joint practice note which makes the certificate not a true reflection of the practice note before court. Respondent did not upload a certificate.

[11] The joint practice note that substituted the unilateral practice note was not emailed to me and neither was condonation sought. Had certificates been uploaded as per the directive, same may also have clarified the position.

[12] On the date of hearing, I was referred to the final joint practice note uploaded onto Caselines. This joint practice note was the practice note uploaded on 25 February 2026, only 7 court days prior to the date of hearing. In addition, this joint practice note was not signed by the parties or emailed to me.

[13] The correspondence between the parties regarding the joint practice note was also uploaded. Applicant's attorney of record sent an email to respondent's attorney of record on 23 February 2026 at 12:28 which reads as follows:

"Dear Robin,

The time periods prescribed in the practice directives for the filing of a joint practice note had already expired prior to us receiving your "proposed further joint practice note".

As reflected in the attached notice, the relevant deadline is 20 court days prior to the week in which the hearing is scheduled."

[14] The respondent's reply on even date was:"Hi Lloyd, we have uploaded the amended joint practice note."

[15] From this, it is apparent that the parties are aware when the joint practice note should have been filed and for late filing the steps to be taken to bring it to my attention

with the necessary condonation application. No reasons were proffered why this were not adhered to.

[16] I canvassed from the applicant whether the parties rely on the joint practice note uploaded which he confirmed in the affirmative that it was the final joint practice note the parties rely on. Applicant argued that he was not aware that the practice note needed to be signed by the parties. It is not certain whether the "amended joint practice note" uploaded by respondent is the same final joint practice note the parties rely on as no substance was proffered.

[17] In the circumstances, I was met with silence in my preparation and not in a position to consider the joint practice note or condonation application or for the purpose of having a pre-hearing conference with the parties. In addition, I was not informed prior to the date of hearing that it is the final joint practice note the parties rely on.

[18] I noticed from the joint practice note before me that one of the issues to be determined was whether the matter ought to be referred to trial, alternatively oral evidence predicated on monies advanced in terms of an oral loan agreement or as a gift to respondent's sole director.

[19] The plaintiff's claim is predicated on an oral loan agreement. Respondent requested me to stand the matter down for her to take instructions prior to striking it. I stood the matter down. Respondent's instructions were that the matter should be referred to oral evidence. Applicant's instructions were not to agree to the matter being referred to oral evidence and to proceed.

CONCLUSION

[20] In the circumstances, the matter was struck from the roll for non-compliance with the directives with no order as to costs.

[21] These are my reasons.


ALLEN AJ

ACTING JUDGE OF THE HIGH COURT,
GAUTENG DIVISION JOHANNESBURG

This judgment was prepared by Acting Judge Allen. It is handed down electronically by circulation to the parties or their legal representatives by email, by uploading to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 27 March 2026.

HEARD ON: 9 March 2026

REASONS REQUESTED ON: 20 March 2026

DECIDED ON: 27 March 2026

For the Applicant: Adv. D Aldworth
Instructed by: Van Wyk Law

For the Respondent: Adv. B Delport
Instructed by: Gerhold & Van Wyk Attorneys