

IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL, DURBAN  
TRIAL ROLL FOR MONDAY 31<sup>ST</sup> AUGUST 2009 TO FRIDAY 4<sup>TH</sup> SEPTEMBER 2009

MONDAY 31<sup>ST</sup> AUGUST 2009

1. E L MSWELI VS MINISTER OF SAFETY & SECURITY 1529/06  
(SHEMBE ATTORNEYS) (STATE ATTORNEY)  
  
(SET DOWN FOR 5 DAYS – 31<sup>ST</sup> AUGUST – 4<sup>TH</sup> SEPTEMBER 2009: **PART HEARD:**  
**MOKGOHLOA, J**)
2. MARINE & GENERAL INSURANCE VS SUNFORD PROPERTIES CC 3694/04  
BROKERS CC t/a PHOENIX FUNERAL SERVICES  
(PATHER & PATHER) (NAIDOO & COMPANY INC)  
  
(SET DOWN FOR 5 DAYS - 31<sup>ST</sup> AUGUST – 4<sup>TH</sup> SEPTEMBER 2009)
3. U MISRA AND ANOTHER VS MARINE & GENERAL INSURANCE 12387/06  
(NAIDOO & CO INC) BROKERS CC  
(1<sup>ST</sup> AND 2<sup>ND</sup> DEFENDANT) (MUNDELL INC)  
  
(3<sup>RD</sup> AND 4<sup>TH</sup> DEFENDANT)  
(DENEYS REITZ INC.)  
  
(SET DOWN FOR 5 DAYS – 31<sup>ST</sup> AUGUST – 4<sup>TH</sup> SEPTEMBER 2009)
4. S POONAN VS NEDCOR BANK LIMITED 8685/06  
(RHM ATTORNEYS) (NGUBANE & PART INC)  
  
(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)
5. M D GAMMIE N.O. VS DR S S CHETTY 7551/08  
(GARLICHE & BOUSFIELD INC.) (VAN DER MERWE & ASSOC  
C/O UKZN LAW CLINIC)  
  
(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)
6. F THANDABANTU VS ROAD ACCIDENT FUND 4072/02  
(A D DANDALA & ASSOC) (LINDA MAZIBUKO & ASSOC)  
  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
7. JUGGANNADH TRANSPORT VS CROSSMOOR TRANSPORT CC 1792/99  
AND PLANT HIRE CC  
(LOUIS M PODBIELSKI) (PEACOCK LIEBENBERG & DICKINSON)  
  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
8. A I KAJEE (PTY) LIMITED VS SOUTH AFRICAN AIRWAYS (PTY) LTD 19306/04  
(DAWOOD PATEL & CO.) (1<sup>ST</sup> RESPONDENT) (SIWENDU & PARTNERS)

J & M DOHERTY  
(2<sup>ND</sup> AND 3<sup>RD</sup> RESPONDENT)  
(PEARCE DU TOIT & MOODIE)

(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)

9. T J MASTERTON VS M A MASTERTON 6107/06  
(ISABEL ABRAHAM ATTORNEYS) (OLIVIER & MALAN  
C/O ATKINSON TURNER & DE WET)

(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)

10. DYLAN ENGINEERING CC VS FIRSTRAND BANK LIMITED 2184/06  
(UNREPRESENTED) (1<sup>ST</sup> DEFENDANT)  
(811 MARINE DRIVE (LIVINGSTON LEANDY INC)  
BRIGHTON BEACH  
DURBAN, 4052) Z KIRSTEN  
(2<sup>ND</sup> DEFENDANT)  
(JOHAN JOOSTE & COMPANY)

(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)

11. TRENTYRE (PTY) LTD VS C MILLINGHAM 382/06  
(SHEPSTONE & WYLIE) (DEAN CARO & ASSOC)

(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)

12. B J JAMES VS R JAMES 11975/06  
(PRAVDA TERBLANCHE & KNOWLES) (LAING FRANK & MACONDALD)

(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)

13. J B HUBERTS VS R L HUBERTS 11572/06  
(KENNY VERHAGE & ASSOC) (DITZ INC)

(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)

14. M Z NGOBESE VS ROAD ACCIDENT FUND 8760/06  
(THORRINGTON-SMITH & SILVER) (NOMPUMELELO RADEBE & CO)

(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)

15. S SEWBHUJJAN VS ROAD ACCIDENT FUND 11335/04  
(KIRSHEN NAIDOO & CO. INC) (NOMPUMELELO RADEBE & CO)

(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)

16. B J MNGADI VS ROAD ACCIDENT FUND 9430/05  
(DON KALI & COMPANY) (HUGHES-MADONDO INC.)

(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)

17. S N NENE VS ROAD ACCIDENT FUND 9601/06  
(BREYTENBACH ATTORNEYS) (DWARIKA NAIDOO & CO.)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
18. M CABE VS ROAD ACCIDENT FUND 8798/05  
(ASKEW & ASSOCIATES) (NGUBANE & PART INC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
19. M BUTHELEZI VS ROAD ACCIDENT FUND 8006/05  
(DU TOIT HAVEMANN & LLOYD) (LINDA MAZIBUKO & ASSOC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
20. K C MEYIWA VS ROAD ACCIDENT FUND 8966/06  
(DU TOIT HAVEMANN & LLOYD) (NOMPUMELELO RADEBE & CO.)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
21. C T MEMELA VS ROAD ACCIDENT FUND 4248/06  
(MARSHALL GALLAGHER) (ZUBEDA K SEEDAT & CO.)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
22. Z T MAPHUMULO VS ROAD ACCIDENT FUND 11396/05  
(JUSTICE REICHLIN RAMSAMY) (NOMPUMELELO RADEBE & CO.)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
23. C M REYNOLDS VS ROAD ACCIDENT FUND 9457/06  
(ASKEW & ASSOCIATES) (KUBONI INC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
24. G S MABASO VS ROAD ACCIDENT FUND 8449/05  
(ASKEW & ASSOCIATES) (S D MOLOI & ASSOCIATES)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
25. S NAIDOO VS ROAD ACCIDENT FUND 2488/03  
(KANHAI-MOOLDEY & ASSOC (KUBONI INC)  
C/O ANUSHA MOODLEY & ASSOC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
26. M M CALENI VS ROAD ACCIDENT FUND 382/06  
(DLAMINI JULY ATTORNEYS) (S D MOLOI & ASSOC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)

27. P S FERGUSON VS ROAD ACCIDENT FUND 699/06  
(ASKEW & ASSOC) (LINDA MAZIBUKO & ASSOC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
28. N N MTHEMBU VS ROAD ACCIDENT FUND 7951/06  
(M S HOUSEN & CO.) (HUGHES-MADONDO INC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
29. M LUTHULI VS ROAD ACCIDENT FUND 5378/05  
(SANJEEV SINGH INC.) (NGUBANE & PART INC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
30. B I SHEZI VS ROAD ACCIDENT FUND 11817/06  
(THORRINGTON SMITH & SILVER) (ASKEW GRINDLAY & PART INC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
31. Z Y KHAMBULE VS ROAD ACCIDENT FUND 6052/06  
(DLAMINI JULY ATTORNEYS) (LINDA MAZIUBKO & ASSOC)  
(SET DOWN FOR 2 DAYS – 31<sup>ST</sup> AUGUST – 1<sup>ST</sup> SEPTEMBER 2009)
32. P P NYUSWA VS ROAD ACCIDENT FUND 6068/07  
(SALLIGRAM & ASSOC) (LIVINGSTON LEANDY INC.)  
(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)
33. S W NXELE VS ROAD ACCIDENT FUND 6069/07  
(SALLIGRAM & ASSOC) (HAJRA PATEL INC)  
(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)
34. J SITHOLE VS ROAD ACCIDENT FUND 11645/06  
(ASKEW & ASSOCIATES) (ZUBEDA K SEEDAT & CO.)  
(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)
35. A M MYEZA VS ROAD ACCIDENT FUND 4118/07  
(SALLIGRAM & ASSOC) (LIVINGSTON LEANDY INC)  
(SET DOWN FOR 1 DAY – 31<sup>ST</sup> AUGUST 2009)

\*\*\*\*\*

WEDNESDAY 2<sup>ND</sup> SEPTEMBER 2009

1. E L MSWEL CONTINUED 1529/06
2. MARINE & GENERAL INSURANCE CONTINUED 3694/04  
BROKERS CC

3. U MISRA AND ANOTHER CONTINUED 12387/06
36. SPEEDY REPRO & DESIGN VS M L KHANYILE AND 2 OTHERS 8262/06  
 (ARSHANA SHYAM NIRHOO & ASSOCIATES) (M E MBHELE & CO.)  
 (SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009: **PART- HEARD: MURUGASEN, J**)
37. S Y NDWANDWE VS ROAD ACCIDENT FUND 7532/08  
 (MARLAN NAIDOO & ASSOC) (DWARIKA NAIDOO & CO.)  
 (SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTMEBER 2009)
38. MARSABEL PROPERTY INVESTMENTS VS JPA RAS EIENDOMME 7062/07  
 (PTY) LTD (PTY) LTD  
 (NICO VAN ZYL INC. (VAN HEERDEN ATTORNEYS)  
 C/O AMC HUNTER)  
 (SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
39. N P DLUDLA VS Y CONRADIE 5988/01  
 (AMC HUNTER INC.) (1<sup>ST</sup> AND 2<sup>ND</sup> DEFENDANT)  
 (ASKEW & ASSOCIATES)  
 H VENTER  
 (3<sup>RD</sup> DEFENDANT)  
 (UNREPRESENTED)  
 (P O BOX 368  
 EMPANGENI, 3880)  
 INYANGA MOTORS (PTY) LTD  
 (4<sup>TH</sup> DEFENDANT)  
 (SHEPSTONE & WYLIE)  
 CHRISTINE WADE & CO.  
 (2<sup>ND</sup> THIRD PARTY)  
 (LAING FRANK & MACDONALD)  
 (SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
40. J HORN VS M D MATCH AND 2 ORS. 5688/08  
 (JANSSENS ATTORNEYS) (SHEPSTONE & WYLIE)  
 (SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
41. A DE BEER VS ROAD ACCIDENT FUND 16574/04  
 (ASKEW & ASSOCIATES) (HAJRA PATEL INC.)  
 (SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
42. S MAHARAJ AND ANOTHER VS E APPALSAMY AND ANO. 4385/05  
 (STEENKAMP WEAKLEY NGWANE) (GOVENDER, PATHER & MORGAN)  
 (SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)

43. J R WILLIAMS VS K GOVENDER 11090/05  
(VAN HEERDEN ATTORNEYS) (ASKEW & ASSOCIATES)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
44. G J BALDO VS F MARTIN AND ANOTHER 4253/06  
(VOWLES GALLAGHAN & COSHOFF C/I DO TOUT HAVEMANN & LLOYD) (SHAM & CO. INC)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
45. UNILEVER SOUTH AFRICA VS DR A MANSOOR 6337/06  
ICE CREAM (PTY) LIMITED (SHAUKAT KARIM & CO.)  
(SHEPSTONE & WYLIE)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
46. K GOVENDER VS G GOVENDER 190/05  
(PERUMAL ATTORNEYS) (SIVEN SAMUEL & ASSOC)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
47. H SHEZI VS M L M HERBST 5967/06  
(LEGATOR McKENNA INC.) (UNREPRESENTED)  
(FLAT 1, NEW HORIZON RETHMAN DIRVE UMTENTWENI)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
48. COASTAL FARMERS CO- OPERATIVE VS HIPPO FRUIT AFRICA (PTY) LTD & ANOT 7385/06  
LIMITED (HENWOOD BRITTER & CANEY)  
(TATE NOLAN & KNIGHT)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
49. K P ARCHARY AND ANOTHER VS ETHEKWINI MUNICIPALITY 7547/06  
(1<sup>ST</sup> DEFENDANT)  
(BERKOWITZ COHEN WARTSKI)  
(SUNIL PANDAY & ASSOC) G M NAIDU  
(3<sup>RD</sup> DEFENDANT)  
(UNREPRESENTED)  
(51 SAFFRON DRIVE CHILTERN HEIGHTS SHALLCROSS, CHATSWORTH)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
50. A MUHAMMAD VS ROAD ACCIDENT FUND 10763/06  
(GOWANS & PATON) (NOMPUMELELO RADEBE & CO.)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTMEBER 2009)

51. M R MKHZIE (SANJEEV SINGH INC.) VS ROAD ACCIDENT FUND (RIAZ HAFJEJEE) 11724/04  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
52. P SINGH (SANJEEV SINGH INC.) VS ROAD ACCIDENT FUND (ZUBEDA K SEEDAT & CO.) 11362/04  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
53. B R HLONGWA (DU TOIT HAVEMANN & LLOYD) VS ROAD ACCIDENT FUND (RIAZ HAFJEJEE) 9240/06  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
54. B CELE (GOWANS & PATON) VS ROAD ACCIDENT FUND (HUGHES-MADONDO INC.) 13517/06  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
55. S V MNGUNI (SANJEEV SINGH INC.) VS ROAD ACCIDENT FUND (NGUBANE & PART INC) 21366/04  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SPETEMBER 2009)
56. L GEBASHE (GOWANS & PATON) VS ROAD ACCIDENT FUND (ASKEW GRINDLAY & PART INC) 16857/05  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTMEBER 2009)
57. D A BURGER (FRIEDMAN & ASSOC) VS ROAD ACCIDENT FUND (LIVINGSTON LEANDY INC.) 17248/05  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
58. T E MKUMLA (BERKOWITZ COHEN WARTSKI) VS ROAD ACCIDENT FUND (HUGHES-MADONDO INC.) 15669/04  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SPETMEBER 2009)
59. H P VAN DER MERWE (BERKOWITZ COHEN WARTKSI) VS ROAD ACCIDENT FUND (RIAZ HAFJEJEE) 10786/06  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
60. M H HLOPHE (BERKOWITZ COHEN WARTKSI) VS ROAD ACCIDENT FUND (HUGHES-MADONDO INC.) 11533/06  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)

61. S NAIDOO VS ROAD ACCIDENT FUND 9241/06  
(DU TOIT HAVEMANN & LLOYD) (LIVINGSTON LEANDY INC.)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
62. M CHETTY VS ROAD ACCIDENT FUND 4202/06  
(KIRSHEN NAIDOO) (KUBONI INC.)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
63. M N MKHIZE VS ROAD ACCIDENT FUND 8590/05  
(JUSTICE REICHLIN RAMSAMY) (ZUBEDA K SEEDAT & CO.)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTEMBER 2009)
64. N L DLADLA VS ROAD ACCIDENT FUND 723/05  
(JUSTICE REICHLIN RAMSAMY) (NOMPUMELELO RADEBE & CO.)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTMEBER 2009)
65. A F SWART VS ROAD ACCIDENT FUND 1327/04  
(FRIEDMAN & ASSOCIATES) (ASKEW GRINDLAY & PART INC)  
(SET DOWN FOR 3 DAYS – 2<sup>ND</sup> – 4<sup>TH</sup> SEPTMEBER 2009)
- 

/jd