

## CHAPTER 16 STANDARD ORDER

1. To facilitate the printing of the court orders certain standard orders have been devised. Where practical practitioners should seek relief in terms of the standard orders.
2. Any deviation from the standard order must be motivated either in the court papers or by counsel at the hearing of the matter.
3. The standard orders that are annexed hereto are:
  - 16.1 Default judgment granted by registrar
  - 16.2 Summary judgment
  - 16.3 Provisional sentence
  - 16.4 Default judgment by court
  - 16.5 Absolution from the instance
  - 16.6 Edictal citation
  - 16.7 Substituted sentence
  - 16.8 Rule 43
  - 16.9 Divorce with settlement agreement
  - 16.10 Divorce without settlement agreement
  - 15.11 Post nuptial registration of a contract
  - 15.12 General order for discovery
  - 15.13 Agreement of settlement
  - 15.14 Rule nisi
  - 15.15 Restrictive conditions on land
  - 15.16 Unallocated order
  - 15.17 Provisional sequestration
  - 15.18 Final sequestration
  - 15.19 Rehabilitation
  - 15.20 Surrender
  - 15.21 Provisional liquidation
  - 15.22 Final liquidation
  - 16.23 Discharge of provisional sequestration or liquidation

- 16.24 Section 311
- 16.25 Judicial Management
- 16.26 Leave to appeal
- 16.27 Order on appeal
- 16.28 Order in terms of Rule 39 (22)
- 16.29 Admission of translator

# 16.1 DEFAULT JUDGMENT GRANTED BY THE REGISTRAR

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

In the matter between:-

**PLAINTIFF**

**and**

**DEFENDANT**

HAVING read the documents filed of record and having considered the matter:-

**DEFAULT JUDGMENT** is granted against the \_\_\_\_\_ for:

1. Payment of the sum of .....
2. Interest
- 3.
4. The following property is declared executable:

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.2 SUMMARY JUDGMENT

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**PLAINTIFF**

**and**

**DEFENDANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**SUMMARY JUDGMENT** is granted against the \_\_\_\_\_ for:

1. Payment of the sum of .....
2. Interest on the sum of.....at the rate of.....per annum from.....to date of payment
3. Costs of suit

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.3 PROVISIONAL SENTENCE

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**PLAINTIFF**

**and**

**DEFENDANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**PROVISIONAL SENTENCE** is granted against the Defendant for:

1. Payment of the sum of .....
2. Interest on the sum of ..... at the rate of ..... per annum from ..... to date of payment
3. Costs of suit
4. The following property is declared executable:

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.4 DEFAULT JUDGMENT BY COURT

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**PLAINTIFF**

and

**DEFENDANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**DEFAULT JUDGMENT** is granted against the Defendant for:

1. Payment of the sum of .....
2. Interest on the sum of ..... at the rate of ..... per annum from ..... to date of payment
3. Costs of suit

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.5 ABSOLUTION FROM THE INSTANCE

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**PLAINTIFF**

and

**DEFENDANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**THE COURT ORDERS THAT:**

1. Absolution from the instance be granted to the Defendant
2. The Plaintiff is ordered to pay the costs of the action

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.6 EDICTAL CITATION

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

and

**APPLICANT**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

### THE COURT ORDERS THAT:

1. Leave is granted to the applicant to sue the abovementioned respondent by way of edictal citation for the following relief:-
2. The citation must be served on the respondent .....
3. The respondent is to be afforded ..... (days) within which to enter appearance to defend
4. The costs of this application are to be costs in the cause.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.7 SUBSTITUTED SERVICE

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

and

**APPLICANT**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

### THE COURT ORDERS THAT:

1. Leave is granted to the applicant to serve the summons in which the applicant claims:
  - 1.1
  - 1.2by way of substituted service
2. Service of the summons must be effected by .....
3. The respondent is to be afforded .....(days) within which to enter appearance to defend
4. The costs of this application are to be costs in the cause.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.8 RULE 43

### IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

and

**APPLICANT**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

#### THE COURT ORDERS THAT:

1. .... is ordered to pay maintenance to ..... in the amount of R..... per month.
2. (a) ..... is awarded care and primary residence of the minor children born out of the marriage.  
  
(b) ..... shall be entitled to reasonable contact to the said minor children, which access shall include:-
  - (i) .....
  - (ii) .....
- (c) ..... is ordered to pay maintenance to ..... in respect of the aforesaid minor children in the amount of R..... per month per child.
3. .... is ordered to make a provisional contribution to ..... legal costs pendent elite in monthly instalments in the amount of R.....
4. The payments referred to above will commence on or before the ..... day of .....200.... and shall thereafter be made on or before the ..... day of each succeeding month.
5. The costs of this application are to be costs in the cause.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## **16.9 DIVORCE WITH SETTLEMENT AGREEMENT**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**PLAINTIFF**

**and**

**DEFENDANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. The marriage between the Plaintiff and Defendant is dissolved.
2. The Deed of Settlement (marked " ") is hereby made an order of Court.

**BY THE COURT**

                      
**REGISTRAR**

## 16.10 DIVORCE WITHOUT SETTLEMENT AGREEMENT

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**PLAINTIFF**

and

**DEFENDANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. The marriage between the Plaintiff and Defendant is dissolved.
2. .... is awarded care and primary residence of the minor children.....
3. The other parent shall be entitled to reasonable contact to the said children which contact shall include:
4. .... is ordered to pay maintenance to ..... in the amount of ..... per month.
5. .... is ordered to pay maintenance in respect of the minor children at the rate of .....
6. The Defendant is ordered to pay the costs of the action.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.11 POST NUPTIAL REGISTRATION OF A CONTRACT

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**FIRST APPLICANT**

and

**SECOND APPLICANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. The applicants are given leave to effect the execution and registration of a notarial contract, a draft whereof is annexed to the application, which contract will after registration thereof regulate their matrimonial property system;
2. The Registrar of Deeds is authorised to register the said notarial contract;
3. This order-
  - 3.1 will lapse if the notarial contract is not registered by the Registrar of Deeds within two months of the date of the granting of this order;
  - 3.2 will not prejudice the rights of any creditor of the applicants as at date of registration of the contract.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.12 GENERAL ORDER FOR DISCOVERY

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

**and**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

IT IS ORDERED THAT:-

1. .... shall make discovery of the following documents on affidavit within ..... from the date of the granting of this order;
2. The costs of this application are to be paid by .....

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## **16.13 AGREEMENT OF SETTLEMENT**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

**and**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED:-**

1. THAT the Agreement of Settlement marked "X" is made an order of court.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**



## 16.15 RESTRICTIVE CONDITIONS ON LAND

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

and

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. A rule nisi is issued calling on any interested persons who may choose to do so, to object either by letter received by the Registrar before....., or by personally or through counsel appearing in court on ..... at 09:30 against the granting of the following order:-
  - 1.1
  - 1.2
  - 1.3
2. Any person who has a right which may be affected is entitled to object to the granting of such an order, and may do so without incurring liability for costs. If he opposes by writing a letter to the Registrar, the objector must state the objector's full names, identity number and address and describe the property or right which will be affected by the grant of the order.
3. The order sought will be the following effect:

The papers in this matter are open for inspection without charge at the office of the Registrar, High Court, Von Brandis Square, Prichard Street, Johannesburg, and at the offices of applicant's attorney:-  
Messrs.  
of
5. Service is to be effected:-
  - 5.1 by the despatch of a copy of the order by prepaid post before ..... to the following persons -  
at the addresses set out alongside their names
6. A copy of the order, in two official languages, is to be exhibited on a prominent part of the public notice board at the office of the ..... for a period of four weeks from .....
7. Copies of the order in two official languages are to be exhibited at conspicuous places at.....

**BY THE COURT**

**REGISTRAR**

## **16.16 UNALLOCATED ORDER**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

**and**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.17 PROVISIONAL SEQUESTRATION

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

and

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

### IT IS ORDERED THAT:-

1. The estate of the respondent is placed under provisional sequestration.
2. The respondent and any other party who wishes to avoid such an order being made final, are called upon to advance the reasons, if any, why the court should not grant a final order of sequestration of the said estate on the ..... day of ..... at 09:30 or as soon thereafter as the matter may be heard.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## **16.18 FINAL SEQUESTRATION**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

**and**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. The estate of the respondent is placed under final sequestration.

**BY THE COURT**

**REGISTRAR**

## **16.19 REHABILITATION**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the application of:-

**APPLICANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

The abovementioned applicant be and is hereby rehabilitated.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## **16.20 SURRENDER**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the application of:-

**APPLICANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

The surrender of the estate of the Applicant is accepted as insolvent and the estate is placed under sequestration in the hands of the Master of the High Court.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.21 PROVISIONAL LIQUIDATION

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

and

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

### IT IS ORDERED THAT:-

1. The above mentioned respondent is hereby placed under provisional winding up.
2. All persons who have a legitimate interest are called upon to put forward their reasons why this court should not order the final winding up of the respondent on ..... at 09:30 am or so soon thereafter as the matter may be heard.
3. A copy of this order be served on the respondent at its registered office.
4. A copy of the order be published forthwith once in the Government Gazette.
5. A copy of this order be forthwith forwarded to each known creditor by prepaid registered post or by electronically receipted telefax transmission.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.22 FINAL LIQUIDATION

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

and

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. That the above mentioned respondent is hereby placed under final winding up.

**BY THE COURT**

                      
**REGISTRAR**

## **16.23 DISCHARGE OF PROVISIONAL SEQUESTRATION OR LIQUIDATION**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

**and**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. The order of provisional ..... is set aside.
2. The rule nisi is discharged.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.24 SECTION 311

### IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

and

**APPLICANT**

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

#### IT IS ORDERED:-

1. That a meeting in terms of section 311 (1) of the Companies Act, 61 of 1973 (the Act) of:
  - 1.1 the secured creditors;
  - 1.2 the preferred creditors; and
  - 1.3 the concurrent creditors.

be convened by the chairperson for the purpose of considering by way of casting votes the acceptance, with or without modification, of the Offer of Compromise which is an Annexure to the application.

2. That ..... or in the event of unavailability ..... is appointed as Chairperson of the said meeting with power to determine the date and place of the meeting and to adjourn the meeting when it appears to be appropriate.
3. That the chairperson shall comply with part ..... of the Practice Manual and enrol the matter for finalisation on .....
4. That a creditor who desires to make use of proxy should use the prescribed form
5. That to entitle him to vote a creditor who did receive the documents sent by the chairperson, must lodge each in a form which complies with section 366 (1) (a) of the Companies Act, 1973 with the chairperson at his office not later than 24 (twenty four) hours before the meeting.
6. That a creditor who did not receive such papers may become entitled to vote if he, before the commencement of the meeting, hands to the chairperson an affidavit in which he confirms that he did not receive those papers and that he is a creditor, stating the amount and the nature of his claim.
7. That during normal business hours, a creditor is entitled, free of charge, to inspect a copy of the application, of the said offer of compromise, and of the list statement in terms of section 312 (1) and 312 (2) of the said Act, at the office of the chairperson (namely ..... ) and there to obtain a free copy of the required proxy.
8. That the chairperson shall post to any creditor who so requests a copy of the statement in terms of section 321 (1) and 321 (2).

**BY THE COURT**

**REGISTRAR**

## 16.25 JUDICIAL MANAGEMENT

### IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

and

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

#### IT IS ORDERED:-

1. That the respondent is hereby placed under provisional judicial management in terms of Act 61 of 1973.
2. That while this order is in force the respondent is under judicial management, subject to the supervision of the Court, of a provisional judicial manager or managers appointed by the Master.
3. That as from today any other person or persons vested with the management of the respondent's affairs be divested thereof.
4. That the provisional judicial manager or managers discharge the duties prescribed by section 430 of Act 61 of 1973.
5. That the provisional judicial manager or managers appointed by the Master be empowered without the authority of the shareholders but subject to the authority of creditors and the Master to borrow money with or without security on behalf of the respondent for the purpose of paying essential running expenditure in and about the business of the respondent including salaries, wages and premises rental for business required by the respondent and to pledge the credit of the respondent for any goods or services required.
6. That while the respondent is under provisional judicial management all actions, proceedings, the execution of all writs, summonses and other processes against the respondent be stayed and be not proceeded with without leave of this Court being obtained.
7. That the rate of remuneration of the provisional judicial manager or managers be fixed by the Master in accordance with the services rendered and disbursements incurred, or should the Master so request, the said rate of remuneration shall be fixed by the Court after the Master has reported thereon.
8. That a rule nisi is hereby issued calling upon all persons concerned to appear and to show cause, if any, to this Court on .....
- 8.1 why a final judicial management order should not be granted;
- 8.2 why the following directions should not be included in the said order –

- 8.2.1 that the management of the respondent shall vest, subject to the supervision of the Court,, in the final judicial manager or managers.
  - 8.2.2 that the provisional judicial manager or managers shall forthwith hand over all matters, and account for his or their administration of the property, business and affairs of the respondent to the final judicial manager or managers;
  - 8.2.3 that the provisional judicial manager or managers may be discharged from their duties, but that he or they remain obliged to account to the final judicial manager or managers as aforesaid,and to the Master;
  - 8.2.4 that the provisions of Paragraph 5, 6 and 7 hereof, should apply mutatis mutandis;
  - 8.2.5 that the final judicial manager or managers discharge the duties prescribed by section 433 of Act 61 of 1973;
- 8.3 and why the costs of this application should not be costs in the judicial management.
- 9. That this order be published forthwith in each of the Government Gazette and ..... newspaper.
  - 10. That a copy of this order be sent by prepaid registered post to the known creditors of the respondent.
  - 11. That service of this order be effected upon the ..... at its registered office.

**BY THE COURT**

                      
**REGISTRAR**

## 16.26 LEAVE TO APPEAL

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**APPLICANT**

and

**RESPONDENT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. Leave to appeal is granted.
2. Leave is granted to appeal to the Supreme Court of Appeal/the Full Court of this division.
3. The costs of this application are costs in the appeal.

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**

## 16.27 ORDER ON APPEAL

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO.:

PH NO.:

BEFORE THE HONOURABLE JUDGE

In the matter between:

APPELLANT

and

RESPONDENT

HAVING read the documents filed of record, heard counsel and having considered the matter.

IT IS ORDERED THAT

1. The appeal is upheld / dismissed
2. The order of the court a quo is set aside and substituted with the following order:  
(Set out order if the appeal is upheld)
3. The respondent / appellant is ordered to pay the costs of the appeal.

BY THE COURT

\_\_\_\_\_  
REGISTRAR

## **16.28 ORDER IN TERMS OF RULE 39 (22)**

**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG**

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the matter between:-

**PLAINTIFF**

**and**

**DEFENDANT**

HAVING read the documents filed of record, heard counsel and having considered the matter:-

**IT IS ORDERED THAT:-**

1. The matter is transferred to the magistrate court for the area in terms of Rule 39 (22).
2. The costs incurred to date are costs in the cause.

**BY THE COURT**

                      
**REGISTRAR**

## 16.29 ADMISSION OF TRANSLATOR

IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO:  
PH NO:

BEFORE THE HONOURABLE JUDGE

In the ex parte application of:-

**APPLICANT**

HAVING read the documents filed of record, heard counsel and having heard the application:-

**IT IS ORDERED THAT:-**

1. The proper officer places the name of the applicant on the roll of translators for translations from ..... to ..... and from ..... to .....

**BY THE COURT**

\_\_\_\_\_  
**REGISTRAR**