

9.10 ENROLMENT OF APPLICATION AFTER NOTICE OF INTENTION TO OPPOSE GIVEN

1. Where the respondent has failed to deliver an answering affidavit and has not given notice of an intention to only raise a question of law (rule 6 (5)(d)(iii)) or a point in limine, the application must not be enrolled for hearing on the opposed roll.
2. Such an application must be enrolled on the unopposed roll. In the event of such an application thereafter becoming opposed (for whatever reasons), the application will not be postponed as a matter of course, but will be referred to the senior motion court judge for direction.
3. The notice of set down of such an application must be served on the respondent or the respondent's attorney of record.
4. In the event of the application being enrolled on the opposed roll, in the absence of urgency and an acceptable explanation on affidavit for the incorrect enrolment of the application, the application will be removed from the roll.