

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF **KUILS RIVER**

HELD AT **KUILS RIVER**

Case No: 863/2020

In the matter between -

SEALTEK CAPE (PTY) LTD

Plaintiff

and

SONET FITCHAT

Defendant

ORDER IN TERMS OF SECTION 54(2) OF THE MAGISTRATES'

COURTS ACT, 1944 (ACT 32 OF 1944).

Presiding Officer:

For Plaintiff:

For Defendant:

At the pre-trial conference held in chambers at **08h30**.

On the 9th day of November 2020 between the parties and/or their representatives,
the following was agreed upon:

1. Simplification of the issues

1.1. Issues which have been admitted and are now common cause between the parties?

THE CITATION OF THE PARTIES;

THE JURISDICTION OF THE ABOVE HONOURABLE COURT.

1.2. Issues which are still in dispute?

SEE CLAIM AND COUNTERCLAIM

1.3 What is the prospect of settlement and what attempts have been made by the parties to resolve outstanding issues?

NO PROSPECT OF SETTLEMENT AT THIS STAGE

1.4 Are there any issues which may conveniently be decided separately and prior to hearing the other issues?

NO.

1.5 Who has the duty to begin?

THE PLAINTIFF

1.6 Do any of parties foresee any prejudice resulting from non-compliance with the Rules?

NO

1.7. Is there any agreement regarding the production of evidence by way of affidavit?

NO AND IS SAME NOT FORESEEN AT THIS STAGE

1.8. Has discovery taken place, and has such discovery been adequate and in accordance with the Rules?

**NO. THE PARTIES SHALL ENDEAVOR TO DO SO BEFORE 30
NOVEMBER 2020**

1.9. Are there any other documents that will be used at the trial?

SAVE FOR THOSE DOCUMENTS DISCOVERED, NO.

1.10. Who is responsible for preparation of the bundles?

THE PLAINTIFF

1.11 Is there any agreement regarding authenticity of any of the documents, and whether any document may be used without need of proving same?

NO

1.12. Will any photograph or plan or drawing be used, and have the Rules been complied with?

YES. THE RULES HAVE HOWEVER NOT BEEN COMPLIED WITH

1.13. Is an inspection in loco necessary?

POSSIBLY

1.14. Expected duration of the trial?

2 (TWO) DAYS

1 The necessity or desirability of amendments to the pleadings

2.1 Plaintiff:

NONE IS FORESEEN AT THIS STAGE.

2.2 Defendant:

NONE IS FORESEEN AT THIS STAGE

3 The possibility of obtaining admissions of fact and of documents with a view to avoiding unnecessary proof

3.1 Facts admitted by the plaintiff

**OTHER THAN THAT STATED IN THE PARTICULARS OF CLAIM,
NONE.**

3.2 Facts admitted by the defendant

**CITATION OF THE PARTIES;
JURISDICTION.**

3.3 Whether it is necessary that either or all the parties request for / supply further particulars strictly necessary to prepare for trial:

Plaintiff:

NO.

Defendant:

POSSIBLY

The limitation of the number of witnesses

4.1 How many witnesses does plaintiff intend to call :

TWO, BUT THE PLAINTIFF RESERVES ITS RIGHT TO CALL MORE.

Names of witnesses:

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4.2 How many witnesses does defendant intend to call:

FOUR, BUT THE DEFENDANT RESERVES HER RIGHT TO CALL MORE

Names of witnesses:

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4.3 Are the witnesses available?

Plaintiff

YES

Defendant

YES

4.4 Are the parties willing to exchange witness statements?

YES

4.5 Do either of the parties intend to call expert witness /es?

YES

4.6 Has Rule 24 been complied with?

NO

4.7 Will the respective experts be meeting before the trial date in an attempt to limit the issues for determination by the court?

POSSIBLY

4.8 Briefly, what is the nature of the evidence to be given by the expert/s?

THE SCOPE OF THE WORK DONE BY THE PLAINTIFF AND THE QUALITY THEREOF

5 Such other matters as may aid in the disposal of the action in the most expeditious and least costly manner?

NONE

6 Upon signature hereof, the parties admit the action taken at the conference, and agree that these minutes shall be binding on the parties unless altered at the trial to prevent manifest injustice.

7 Is an interpreter required? If yes, what language(s)?

NO

Agreed to by the parties at Kuils River on this day of2020.

Time conference ended:

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For the Plaintiff

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For the Defendant

After having considered these minutes, it is made an order of this court.

Matter declared trial ready. Trial Date Allocated: _____

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Magistrate, Kuils River