



**MAGISTRATES' COURTS JUDICIARY
REPUBLIC OF SOUTH AFRICA**

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Date: 25 February 2019

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Dear Sir / Madam

Re: COURT BUNDLES

I refer to your letter dated the 5 February 2019.

The matter of court bundles remains a thorny issue and, without going into full details, it would perhaps be advisable to raise awareness regarding the following:

1. Surprisingly, there are still some instances where indexing and paginating is not done, yet there is expectation that matters will proceed. Indexing and pagination must be done timeously and it should be clear that matters will not be heard where the court file is not in good and proper order.
2. A neat court file where all pages are fully and conveniently accessible helps a court to quickly and thoroughly grasp the issues and to deal with a matter accordingly. It must be appreciated that judicial officers deal with a large number of files per day and it does not help if a file is not in order. As a matter of convenience and good practice it would be helpful if all files are properly indexed and paginated even where the Rules do not specifically require it.
3. Attorneys must be meticulous – ensure that the numbering is clear and corresponds with the index. It happens much too often that the numbering is incorrect and sometimes, when bundles have been redone, both the old number and new number appear on the pages.
4. When bundles have been prepared for the motion court and sometime later the trial is held then indexing and pagination must be done afresh and specifically for the trial.
5. There must be separate bundles for pleadings, notices and correspondences; the practice of preparing separate bundles and then stapling / binding all the bundles into one large bundle is not acceptable.
6. Exhibit Bundles should not be filed; these should only be handed up on the day of trial. The court file should not contain anything which should not be there.
7. The court file must be perused before the hearing to ensure that it is in order. When matters are postponed, simply filing further copies of the bundles sometimes results in a

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huge court file without good reason. If new bundles need to be lodged, the old bundle must be retrieved and reconstituted so that the same number of bundles is always retained in the file. In one extreme example there were 11 bundles in the file when in fact there ought to have been only 2. Attorneys risk costs orders *de bonis propriis* in such circumstances.

8. The binding must be properly done – use of paper clips, and binding which does not allow for full and convenient access to all pages, is unacceptable. All the pages must be bound in such a way that all the contents are fully and conveniently accessible – not to be stapled in such a way that the writing on a portion of the page cannot be seen without dismantling the bundle.
9. Pages must be printed on one side only.
10. Pages must be A4 size, if any document needs to be filed which is too small it must be mounted onto A4 page.
11. There seems to be an unhealthy practice of certain practitioners making notes / scribbling on the pleadings, as if to direct the mind of the court in a particular direction. All pages must be clean and free of any annotation.
12. Practitioners must also remember to properly deliver all Indexes.

I trust that the above is of some assistance to you.

It is important to emphasize that the indexing and pagination of documents in the court file is an extremely important aspect of civil litigation and any deficiency will lead to unnecessary delays and costs being incurred.

Kind Regards

Yours faithfully
T Deosaran
Senior Magistrate, Civil Section, Pretoria

