

REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO: 2011/47650

- (1) REPORTABLE: YES
(2) OF INTEREST TO OTHER JUDGES: YES
(3) REVISED.

In the matter between:

LE CAR AUTO TRADERS

Applicant

and

DEGSWA 10138 CC

First Respondent

DWAYNE O'NEIL SANTOS

Second Respondent

DANIEL STASSEN

Third Respondent

WESBANK

Fourth Respondent

MOTOR FINANCE CO (PTY) LTD

Fifth Respondent

ABSA BANK LIMITED

Sixth Respondent

BARBERTON FORD

Seventh Respondent

SUMMARY

PER SUTHERLAND J:

Headnote:

Appropriate and inappropriate contact between a judge or judge's clerk and counsel in absence of opponent— Bangalore principles – draft code of conduct for Judges – uniform Rules of the Bar – SGHC practice manual - the common rule is that unnecessary contact is to be avoided – contact about logistics of litigation not objectionable

Recusal application on grounds of alleged improper contact between judge and counsel - status of the SGHC Practice manual – whether improper to deviate – Manual is a guide to practice only- appropriate relaxation not a proper ground for recusal

Attorney and client costs *de bonis propriis* –ill- considered application- gratuitously insulting towards opponents- source of egregious conduct the applicant's attorneys not client- penal costs appropriate – further, an order made forbidding attorney from presenting a bill for services to client