



KWAZULU-NATAL HIGH COURT:  
PIETERMARITZBURG

REPUBLIC OF SOUTH AFRICA

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**THE HONOURABLE ACTING JUDGE PRESIDENT MR JUSTICE M I MADONDO**

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12 April 2022

**Practice Directive 39: Appeals in terms of s 57 of the CSOS Act**

Based on the judgment of the Full Court of this Division in the matter of Ian Christian Ellis v Trustees of Palm Grove Body Corporate (Case No 2293/2020P), the following practice directives will henceforth apply in order to regulate the procedure to be followed in appeals brought in terms of s 57 of the Community Schemes Ombud Service Act 9 of 2011 (the CSOS Act):

1. Such an appeal will be brought on notice of motion supported by affidavit(s) which should be served on the respondent parties by the Sheriff.
2. The founding affidavit, which shall not exceed ten (10) pages, will succinctly set out the grounds upon which it is alleged that the Adjudicator erred on a point of law.
3. The answering affidavit shall not exceed ten (10) pages.
4. The replying affidavit, if any, shall not exceed six (6) pages.

5. The Adjudicator may wish to file a brief report, not exceeding five (5) pages, on any aspect of fact or law not dealt with in his/her statement of reasons.
6. The time-frames for the filing of all affidavits shall be governed by the provisions of Rule 6(5) of the Uniform Rules.
7. Once all affidavits have been filed the appeal will follow the practice directives provided for opposed motions including the filing of a practice note and heads of argument.
8. The Registrar shall thereafter set the matter down for hearing before a single Judge.

Mjabuliseni Isaac Madondo  
Deputy Judge President  
KwaZulu –Natal Division