

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO.:

In the matter between:

Applicant

and

Respondent

AFFIDAVIT IN SUPPORT OF APPLICATION IN TERMS OF RULE 30A, READ WITH RULE 41A3B

I, the undersigned,

.....

do hereby make oath and state as follows:

1. The applicant in this matter is.....

2. The respondent in this matter is.....

3. The facts contained herein are, save where it clearly appears from the context to the contrary, within my own personal knowledge and are to the best of my knowledge and belief both truly and correctly stated.

3. On 2020 the applicant served a notice in terms of Rule 41A(2)(a) upon the respondent noting applicant's agreement to have the matter

referred for mediation. I contend that this action is capable of settlement via mediation which settlement would be significantly less time consuming and less costly for both parties than a court trial. Both parties to the action have an obligation to act professionally and to expedite the action towards resolution. I contend that the issues in dispute are resolvable by way of mediation and I have informed the respondent of these contentions.

4. On 2020 the applicant served upon the respondent a notice in terms of Rule 41A(3) calling for its agreement to refer the action for mediation within ten days. A copy of this notice is annexed hereto marked "A".
5. The respondent has refused and/or neglected to respond to the applicant's notice in terms of Rule 41(A)(3) and on the applicant addressed correspondence to the respondent calling for its compliance. A copy of this correspondence is annexed hereto marked "B".
6. I submit that it is in the interests of both parties to have this action referred for mediation. Significant cost savings would be made in the event of successful mediation, such costs including but not limited to attorney fees, costs of counsel, costs of expert witnesses and possible travel and accommodation. The respondent is a parastatal organisation and responsible for administering public moneys. The parties should make all possible attempts to preserve these moneys for their intended purpose which is to compensate accident victims.

WHEREFORE I request the above honourable court to grant an order as prayed for in the notice of motion to which this affidavit is annexed.

DEPONENT

SIGNED AND SWORN TO BEFORE ME ATON THIS THE
..... DAY OF 2020, THE DEPONENT HAVING
ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTANDS THE CONTENTS
OF THIS AFFIDAVIT, HAS NO OBJECTION TO TAKING THE PRESCRIBED OATH
AND CONSIDERS THE OATH BINDING ON HIS/HER CONSCIENCE

COMMISSIONER OF OATHS
NAME:
CAPACITY:
ADDRESS: