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

CASE NO: 2022-15109

NOT REPORTABLE

NOT OF INTEREST TO OTHER JUDGES

REVISED

11/09/23

In the matter between:

T W R

APPLICANT

(Born N)

(IDENTITY NUMBER:[...])

And

A P R

RESPONDENT

(IDENTITY NUMBER:[...])

JUDGMENT

WRIGHT J

1. The applicant woman and the respondent man are in the process of divorce. They have a ten year old daughter. The applicant seeks Rule 43 relief pending the divorce.
2. The applicant seeks an order that the matter be referred to the Family Advocate, and that pending the report of the Family Advocate the respondent be allowed reasonable access to the girl who stays with her mother. She alleges that the respondent has a drinking problem and has driven the daughter on occasion while drunk.
3. The respondent denies this.
4. In my view, the Family Advocate should investigate and report.
5. The applicant seeks also that the respondent pays R5 000 pm for the child as well as bond instalments on the jointly owned house in which the respondent lives, municipal accounts, home repairs and arrear municipal accounts. The respondent lives in the house but the applicant and the daughter do not. In my view the respondent should pay these expenses.
6. The applicant is an accountant who earns a net R 26 000 per month. She receives a thirteenth cheque. She has an interest in a business which paid her R15 000 in August 2022.
7. The respondent is a policeman earning a net R19 000 pm. He gets a thirteenth cheque once a year of R27 000 tax free. He supplements his income on off days by delivery items and makes an amount which can't be determined as there is money which goes into his account sometimes but the papers do not disclose the source.

8. Both parties have considerable debt and little by way of assets. Both drive cars. The jointly owned house is bonded leaving a net value of perhaps R130 000.
9. The respondent says that he can afford R2 500 per month for the child and R200 per week for the child's school fees.
10. In my view, the respondent should pay, in addition to the costs of the jointly owned house in which he lives, R3000 per month for the child and he should place the child on his medical aid. The applicant has handed up a draft order which sets out the detail of the relief claimed. I agree, save that the R5 000 for the child per month should be R3 000 per month.

ORDER

1. X as amended -

ORDER

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 11 September 2023

DELIVERED : 11 September 2023

APPEARANCES :

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