

IN THE HIGH COURT OF SOUTH AFRICA**(WESTERN CAPE HIGH COURT, CAPE TOWN)****CASE NUMBER:**

14622/2007

5 **DATE:**

26 AUGUST 2010

In the matter between:

JOHN GAVIN DOUGLAS-HAMILTON

Applicant

and

10 **WISAAL LATIEF**

Respondent

J U D G M E N T15 **STEYN, J:**

In this matter the parties have been able to resolve the main issues between them regarding contact and care of the minor child as set out in a consent paper. The day has been spent by the parties trying to fine tune a consent paper entered into between them that runs to 19 pages. The parties are in agreement in regard to every single page of this consent paper, save to paragraph 9.18 of the consent paper that I will refer to shortly. The order of the Court in the circumstances, is that having perused the documentation filed of record, /bw

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having heard counsel for the applicant and the respondent in person, the following order is made:

1. The consent paper entered into between the parties on 9 February 2009 and which was made an order of this Court on 13 February 2009, is varied in accordance with the applicant's notice of motion dated 3 November 2009, the notice to amend, the notice of motion dated 23 April 2010 and amendments made by agreement between the parties.
2. A copy of the varied consent paper containing such amendments is annexed hereto marked X, save for an amendment to clause 9.18, which now will read as follows:

"The parties shall be liable for the costs of the facilitator in the ratio of 80/20 until such time as the respondent should obtain gainful remunerative employment, whereafter the ratio will revert to a ratio of 50/50 (where applicant shall pay 50% and respondent 50% of the costs, unless otherwise determined by the facilitator). The facilitator may order a party against who a ruling has been made, to refund the costs of facilitation, or part thereof, to

the other party. Each party shall be liable for fees pursuant to their communication (whether via telephone or electronic medium) with the facilitator."

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3. By agreement with the applicant, there will be no order as to costs.

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STEYN, J