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

CASE NUMBER: A2023-69927

1. Reportable: No
2. Of interest to other judges: No

3. Revised

Wright J

7 March 2024

In the matter between:

D[...] D[...]

Appellant

And

L[...] J[...] M[...]

Respondent

CIVIL APPEAL - JUDGMENT

WRIGHT J

[1] The appellant is the father of a girl who is now eight years old. The respondent is the mother. The parties never married each other. The appellant is married and he supports his wife, mother, sister and a young child. The appellant is a doctor.

[2] The appellant seeks to amend his grounds of appeal as per a notice dated 1 November 2023. The respondent objects by notice. She does so mainly on the

grounds of lack of particularity. In my view, the amendment should be granted in the interests of allowing the matter fully to be ventilated.

[3] The respondent is unemployed. She worked for Mango Airlines but was retrenched in October 2021. She received a package of R185 000 but has only R20 000 left. The respondent lives with her parents.

[4] The respondent applied for and obtained a maintenance order in the Magistrate's Court in Daveyton. This related only to her child. After an inquiry at which the parties testified, the Magistrate ordered the appellant to pay R5 000 pm for the child as well as R1 000 pm towards medical aid. The appellant was ordered to pay the school fees for the child and R4 000 per year for clothing.

[5] The appellant has a successful medical practice. In the year to 2022 he made a nett R4.45 million. The appellant lives an expensive lifestyle. The appellant says that he runs his medical practice through a company of which he is sole director. He says that this separating of his business from his personal life and accounts should be relevant to his alleged inability to pay maintenance. This is wrong in law. How the appellant arranges his finances has nothing to do with his duty to pay for his child according to her needs and his ability.

[6] The appeal is wholly without merit.

[7] At this hearing, there was no appearance for the respondent. Accordingly, each side shall carry their own costs.

ORDER

1. The grounds of appeal are amended as per the appellant's notice dated 1 November 2023.
2. Relating to the amendment, the parties are to pay their own costs.
3. The appeal is dismissed.
4. Each side to pay their own costs in the appeal.

WRIGHT J
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

I agree

TWALA J
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, JOHANNESBURG

Heard on: 7 March 2024
Delivered on: 7 March 2024

Appearances:

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