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IN THE HIGH COURT OF SOUTH AFRICA,
FREE STATE DIVISION, BLOEMFONTEIN

Reportable:	YES/NO
Of Interest to other Judges:	YES/NO
Circulate to Magistrates:	YES/NO

Case number: 4963/2016

In the matter between:

E M N

Identity number: [...]

Applicant

and

D I N

Identity number: [...]

Respondent

HEARD ON: 1 DECEMBER 2016

JUDGMENT BY: BOKWA, AJ

DELIVERED ON: 1 DECEMBER 2016

JUDGMENT

- [1] The common course issues between the parties are that the marriage relationship has broken down irretrievably and that there are no prospects of the restoration thereof. That the communal estate be shared equally between them.
- [2] They are however at variance about the reasons for the breakup of their marriage. Furthermore they are in dispute about what should happen what should happen to the primary care and residence of their minor child T T N born on [...] March 2013, who is currently approximately three and a half years old.
- [3] Having considered the notice of motion and the other documents filed of record and having heard both Counsel it is ordered *pende lite* that:
- [4] **ORDER**
- 4.1 That both parties be awarded full parental responsibilities and rights with regard to care of the minor child as contemplated in Section 18(2) of the Children's Act 38 of 2005. That **primary residence** and **primary care** of the minor child be retained by the **plaintiff**.
- 4.2 That specific parental responsibilities and rights with regard to **contact** with the minor child be exercised by the **defendant** in the following manner:
- 4.2.1 Contact every alternative weekend from 17h00 on Friday to 17h00 on Sunday;

- 4.2.2 Short school holidays to alternate between the parties and long school holidays to be shared equally;
 - 4.2.3 Contact on Mother's Day from 09h00 to 17h00 if this day does not coincide with a normal access weekend;
 - 4.2.4 Reasonable telephonic contact;
 - 4.2.5 Reasonable contact at all reasonable times.
- 4.3 That specific parental responsibilities and rights with regard to guardianship of the minor child, as contemplated in Section 18(2)(c) and 18(3) of the Children's Act 38 of 2005 be awarded to the **parties jointly**.
- [5] The applicant pays maintenance towards the rental of alternative accommodation of the respondent in the amount of R2500.
- [6] The applicant continue with the current maintenance towards the minor child who will reside with applicant henceforth namely T T N.
- [7] That the applicant contributes towards the legal fees of the respondent in the amount of R3000 to be paid in an instalment of R500 per month, the first to be paid on 1st January 2017.
- [8] Costs of this application to be cost in the main action.

I.R.O. BOKWA, AJ

On behalf of applicant:

Instructed by:

On behalf of respondent:

Instructed by: Mr WAS Spangenberg
Spangenberg Zietsman & Bloem
Bloemfontein