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IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

CASE NO: 020029/2025

DATE: 12.11.2025

10 (1) REPORTABLE: NO
(2) OF INTEREST TO OTHER JUDGES : NO
(3) REVISED

SIGNATURE

DATE: 12 November 2025.

In the matter between

T[...] T[...]

20 and

M[...] N[...]

J U D G M E N T E X T E M P O R E

WILSON, J: A short while ago I refused to postpone part A of this application. In part A, the applicant seeks the suspension of a Children's Court order granted on 24 April 2023 and various ancillary relief replacing the care, contact

and residence regime set out in that order with interim provision that the applicant sets out in the notice of motion. There is also provision for the family advocate or a social worker in private practice to conduct an investigation and issue a report on the parties' minor child's best interests.

The difficulty with all the relief sought in part A is that it seeks to supplant or at the very least interfere with the order already granted in the Children's Court. I have no jurisdiction to interfere with Children's Court proceedings
10 midstream or to vary or amend Children's Court orders absent an appeal. I leave open the question of whether I would be able to interfere with the disposition of the matter in the Children's Court if I had to do so while dealing with another application, over which I had jurisdiction, but in which relief was claimed that the Children's Court cannot grant.

But that is not an issue presently before me. The fundamental problem is that there is a Children's Court order dealing comprehensively with the care, contact and
20 residence regime applicable in this case and there has been no attempt to appeal, rescind it or vary that order in the Children's Court itself. It seems to me to be plainly contrary to the purposes of the Children's Act to interfere with Children's Court proceedings in the absence of any strong factual or legal reason to do so. Simply put, the

Children's Court order stands and the applicant's remedies, such as they are, lie in seeking to appeal or vary that order in the Children's Court itself.

In part B, the applicant seeks a final order to be granted, as he puts it, in line with the recommendations contained in the reports provided for in part A. That is the only substantive prayer in part B of the applicant's notice of motion. The other prayers deal solely with costs. The purpose of part B is accordingly to confirm this court's
10 interference with the scope and application of a Children's Court order, which I have already found should be left intact. It follows from all of this that a dismissal of part A of the application must of necessity mean a dismissal of part B. To put it another way, if part A is dismissed, there is no basis on which to pursue part B.

For all those reasons I intend to refuse the application as a whole on the basis that the relief sought in it ought to be pursued in the Children's Court.

Accordingly, I make the following order –

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1. The application is dismissed.
 2. The applicant will pay the costs of this application.

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WILSON, J
JUDGE OF THE HIGH COURT
12 November 2025