

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

CASE NO: 36702/18

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

WRIGHT J

24 November 2025

In the matter between:

O[...], J[...] M[...]

PLAINTIFF

and

O[...], M[...] A[...] D[...] V[...]

FIRST DEFENDANT

FRIEDMAN, LEICHA-LUISE

SECOND DEFENDANT

O[...], D[...] A[...] D[...] V[...]

THIRD DEFENDANT

SHARDELOW, CARIN

FOURTH DEFENDANT

JUDGMENT – WRIGHT J

1. The plaintiff, Ms J[...] O[...] is a woman who is married to the first defendant man, Mr M[...] O[...], out of community and with accrual. He is, I am told from the Bar by Mr Kayser for Ms O[...], an accountant by profession who is

currently serving a seven year prison sentence for theft and fraud. His sentence apparently started about three weeks ago.

2. The couple have two minor children, aged thirteen and ten. They reside with Ms O[...].
3. The matter has been allocated to me for trial, today 24 November 2025. I am told that the trial estimate is three to five days.
4. The amended summons cited previously a second defendant, Ms Friedman, but I am told by Mr Kayser that the matter has settled as between Ms O[...] and Ms Friedman.
5. There is cited a third defendant, Mr D[...] O[...], the brother of M[...].
6. There is cited a fourth defendant, Ms Carin Shardelow.
7. Today, 24 November 2025, when the matter was called in open court there was no appearance for any of the first, third or fourth defendants.
8. The notice of set down for trial is itself dated 11 October 2025. It was served, on 10 November 2025, by email on M[...], the first defendant and on the attorney for the third and fourth defendants. It was not served on the second defendant, as the claim against her has settled.
9. The body of the email states that the matter is set down for trial on 24 November 2025. The notice of set down itself says that the matter is set down for 24 October 2025, that is one month too early and is a date in the past.
10. This morning, Mr Kayser handed to me an email from D[...] to Ms Denton, the attorney for Ms O[...], dated 23 November 2025. In it D[...] says that “ *the only aspect of the divorce that needs to be articulated is M[...]’s rights in respect of the children.*” Attached to the email, and handed up from the Bar is a handwritten letter, allegedly by M[...]. It is dated 21 November 2025, and

refers to the trial date of 24 November 2025. This shows that M[...] knows that the set down date of the trial is 24 November 2025. M[...] writes that he would like to come to court but, because of prison logistics, he can't. He writes that he has no objection to a divorce but he seeks a postponement of issues relating to the children pending a Children's Court hearing.

11. The cause of action alleged against the third and fourth defendants is that they, together with M [...], knowingly dissipated the assets of M[...] so as to deprive Ms O[...] of her rights.
12. Apparently, the third and fourth defendants were barred from pleading and have failed to plead.
13. Mr Kayser moves now for various relief.
14. He seeks a decree of divorce. In my view, I see no reason why a decree of divorce can't go through. Obviously, the fact that M[...] has just started a seven year prison sentence needs to be taken into account, particularly relating to the children.
15. I do not see that I can in fairness grant much further related relief against M[...] in present circumstances, particularly relating to assets. The same applies to the third and fourth defendants.
16. The notice of set down, as described above is problematic in relation to the third and fourth defendants. Far reaching relief is sought against them. The cause of action alleges an amount due by each, jointly and severally, of R341 500. This is alleged to be half of R683 000. This arithmetic may be correct. The problem is that the amount of R683 000 is vaguely alleged to be the "*realisable value basis* " of half an insured amount of "*household contents* " of R1 366 000.

17. I asked Mr Kayser if Rule 18(10), which requires an illiquid amount claimed to be set out in sufficient detail, had been complied with. He stressed that the amount of R1 366 000 was as per a schedule to a householder's insurance policy dated 2019. He conceded that there is no list of the relevant assets, either attached to the policy or to the particulars of claim. In my view, Rule 18(10) is not complied with.
18. Mr Kayser conceded that no expert summaries had been prepared containing valuations.
19. Mr Kayser wished to move an amendment to the particulars of claim from the Bar.
20. Mr Kayser conceded that no notice of this proposed amendment had been given to any defendant.
21. In my view, it would be wrong to consider the proposed amendment in the absence of the defendants and without their having notice of the proposed amendment.
22. In these circumstances, it would, in my view be unwise to allow the matter to proceed before me on any basis other than for a decree of divorce and on those aspects relating to the welfare of the children as require my immediate attention. I shall order that sole custody of the children be awarded to Ms O[...] and I shall order that the parental rights of M[...] be suspended while he is in prison.
23. When Ms O[...] testified she did so on the usual unopposed divorce basis but she did expressly confirm that the handwritten letter of M[...] of 21 November 2025 was in his handwriting.
24. All other issues shall be postponed sine die.

ORDER

1. X as amended -

WRIGHT J

Judge of the High Court

Gauteng Division, Johannesburg

HEARD **24 November 2025**

DELIVERED **24 November 2025**

APPEARANCES :

PLAINTIFF

Instructed by

Adv JS Kayser

DHD Attorneys

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DEFENDANTS

No appearance