IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)

(1) REPORTABLE: YES
(2) OF INTEREST TO OTHER JUDGES: YES
(3) REVISED.

[redacted]

SIGNATURE DATE: 19 May 2026

Case No. 2025-140422

In the matter between:

HMM Applicant

and

DM Respondent

Summary

Section 29 of the Children's Act 38 of 2005 creates a jurisdiction of convenience. Section 29 does not exclude the jurisdiction of a court beyond the area of a child's ordinary residence if that court would otherwise have jurisdiction, and it would be in the child's best interests for that court to decide any of the proceedings to which section 29 applies.

JUDGMENT

WILSON J:

1 The applicant, HMM, and the respondent, DM, were in a relationship for seven years. For much of that time, they lived together. DM says that she was married to HMM at customary law, but HMM denies this. The parties' son, O, was born in 2021. Initially, DM and O lived together at the house DM shared

with HMM. In 2022, HMM and DM separated. HMM left O with his mother, DM, at the house they had shared, but it appears from the papers that HMM owned the house, wished to sell it, and asked DM and O to leave it a few months after the separation. DM then had to move. She went with O to live in her sister's house in Boksburg. In late 2024, however, DM's sister decided that she wanted to sell that house. Unable to secure regular employment, no doubt in large part because she was O's primary caregiver, and having nowhere in Johannesburg to live, at the end of 2024, DM decided to leave Johannesburg to live with her parents in the Eastern Cape. HMM objected to this relocation, but his efforts to stop it in this court were unsuccessful. DM and O have now lived with DM's parents in the Eastern Cape for almost eighteen months.

2 In August 2025, HMM brought this application, in which he sought both interim and final relief. Oosthuizen-Senekal AJ granted the interim relief, which entailed the court giving its consent for DM to travel overseas with O for a short holiday. The final relief HMM sought was that the recommendations of a practicing psychologist, Dr. D, be made an order of court. After an assessment of HMM's and DM's parental fitness, most of which she conducted while DM was resident in Boksburg, Dr. D had recommended that, unless DM agreed to move back to Johannesburg, O should be removed from her primary care, and sent to live with HMM.

3 For reasons that do not appear clearly from the record, but which must be connected to the fact that Dr. D provided no more than a superficial assessment of O's circumstances after he relocated with DM to the Eastern Cape, the final relief was postponed until a Family Advocate's

recommendation was made available. That recommendation is dated 27 February 2026, and it relies upon a detailed assessment of O's current home environment in the Eastern Cape. The recommendation nevertheless affirms Dr. D's original view, and recommends that O be brought to Johannesburg to live with HMM.

4 HMM now applies to me to have the recommendation in the Family Advocate's report made an order of court. DM opposes the application on two grounds. The first is that I have no jurisdiction over O, because he is ordinarily resident with DM in the Eastern Cape. The second is that the Family Advocate's report is not rationally connected to the facts on which it relies. Because of the way this application has developed, the relief now sought is quite different from the relief HMM originally set out in his notice of motion. The interim relief was granted and the overseas trip has presumably taken place. In addition, nobody now suggests that Dr. D's report should be endorsed, which is the final relief HMM initially sought.

5 Ordinarily, I would be disinclined to entertain a case brought on a notice of motion which frames relief that is no longer sought, and where the parties' affidavits are structured primarily around that relief. However, in this case, the main pleaded issue throughout has been whether O should reside primarily with HMM in Johannesburg or with DM in the Eastern Cape. Dr. D's report, the Family Advocate's recommendation, and the reports underpinning that recommendation are merely evidence that tend to prove the facts relevant to that issue. Nobody suggests that the evidence is incomplete. There was no application to postpone the matter. Nor did either party seek to adduce new

facts or argument that would have necessitated such a postponement. Subject to DM's objection to my jurisdiction, both parties agree that the issue before me is whether O's primary residence should change, and they are content for me to decide that issue. It also seems to me that O's best interests require that I settle that issue sooner rather than later. For these reasons, I will entertain the application on the issues as the parties framed them in argument.

Jurisdiction

6 I deal first with the question of jurisdiction. Section 23 of the Children's Act 38 of 2005 provides that "[a]ny person having an interest in the care, well-being or development of a child may apply to the High Court" for an order granting them rights of contact with or care of that child. Section 29 of the Act states that an application under section 23 "may" be brought before a High Court "within whose area of jurisdiction the child concerned is ordinarily resident". Mr. Raqowa, who appeared for DM, argued that, since I have no jurisdiction over the Eastern Cape, where O ordinarily resides, section 29 of the Act deprives me of the power to entertain HMM's application.

7 I do not think that is correct. The use of the word "may" indicates that section 29 does not exclude the jurisdiction of another court that would otherwise have it. However, the provision must obviously be constructed in its textual setting, having regard to the purposes of the Act as a whole. Read in that light, and for the reasons that follow, I think that section 29 establishes a jurisdiction of convenience. It creates the general rule that an application for rights of care and contact should be brought in the High Court having jurisdiction over the area of the child's ordinary residence. But section 29 does not preclude a

litigant from approaching a court beyond the area of a child's ordinary residence if that court has some other basis to exercise jurisdiction, and it would be in the child's best interests for that court to decide any of the proceedings to which section 29 applies.

8 Jurisdictional questions have in the past caused problems where interim orders for care and contact with a child have been granted in one provincial division and then varied in another. In that context, the Supreme Court of Appeal has warned that "reliance on formalism and a resort to inflexible rules" is to be discouraged (*FS v JJ* 2011 (3) SA 126 (SCA) ("*FS*"), paragraph 38). It seems to me that this is the way in which section 29 should be approached. Section 29 ought also to be approached in light of the overriding constitutional injunction that "[a] child's best interests are of paramount importance in every matter concerning the child" (section 28 (2) of the Constitution, 1996). The implementation of that principle is one of the main objects of the Act itself (section 2 (b) (iv) of the Act).

9 For these reasons it seems to me that section 29 of the Act should be interpreted permissively. An application regarding care and contact with O "may", of course, be brought in the Eastern Cape, but that begs the question of whether, if there is some other basis on which I would have jurisdiction, and it would be in O's best interests that I exercise that jurisdiction, the Act nevertheless prevents my doing so. I do not think section 29 of the Act can be read in that way. Such a reading would be at odds with its purposes, and more narrow than the text of the provision itself requires. A supple and flexible

interpretation is required, at least insofar as it is necessary to give effect to the overriding best interests standard.

10 There are decisions that suggest the contrary (see, for example, *BLFM v GJM* [2026] ZAGPJHC 140 (9 February 2026), paragraph 7; *JS v WF* [2020] ZAGPPHC 350 (10 July 2020) paragraph 31 and *SH v MLH* 2026 (1) SA 615 (ECGq), paragraphs 45 to 48), but everything they have to say on the point can be traced back to the judgment of Goosen J in *NAN v CN* [2017] ZAECPEHC 61 (14 December 2017) ("*NAN*"). In that matter, the court was dealing with an application to vary a divorce agreement by terminating the parental rights of a father over a child ordinarily resident in New Zealand. The application was dismissed on the basis that the termination was not in the child's best interests.

11 At paragraph 22 of his decision, Goosen J stated that "the terms of section 29 [of the Children's Act] are clear and unambiguous and, in my view, serve as an overriding determinant of jurisdiction in circumstances where a court is called upon to terminate, suspend or circumscribe the parental rights and responsibilities of a parent. The requirement is that the minor child must be ordinarily resident within the area of jurisdiction of the court. This is a territorial limitation of jurisdiction". Read on its own terms, and in isolation from the rest of the judgment, I do not think this proposition can be correct. There is nothing section 29, or in the Act itself, which bespeaks such a rigid jurisdictional regime.

12 However, there is good reason to believe that Goosen J did not mean to conclude that the Act intended to create such a regime. In the first place,

Goosen J explicitly declined to decide the jurisdictional issue, since the order sought from him was not in the child's best interests, and would be refused on that basis (*NAN*, paragraph 25). Secondly, the jurisdictional dictum in paragraph 22 of *NAN* must be read in the context of the judgment as a whole. Once that context is introduced, it is difficult to cast *NAN* in support of the inflexible jurisdictional regime for which it is so often cited as authority. *NAN* was an application to vary a divorce agreement made an order of the court in which Goosen J sat. He was asked to vary the divorce agreement by terminating the father's parental rights. Goosen J found that such a variation was not in the child's best interests, and he refused the application on that basis. Goosen J's apparently rigid take on section 29 of the Act would normally have precluded him from reaching that conclusion, since the absence of jurisdiction would have ended the case before the question of the child's best interests arose. But Goosen J nevertheless decided the matter on its merits. Section 29 of the Act appeared to present no obstacle to him doing so, precisely because, in his view, dealing with and dismissing the application was in the child's best interests, and the court in which Goosen J sat could exercise its jurisdiction as the court that granted the divorce order.

13 Accordingly, I do not think that *NAN* can be read to interpret section 29 as precluding the exercise of a jurisdiction a court would otherwise have, if the exercise of that jurisdiction is in the child's best interests. This conclusion, it seems to me, is consistent with the text, context and purpose of the Children's Act, and with the Supreme Court of Appeal's exhortation in *FS* to avoid technicality and inflexibility where these would obstruct an proper enquiry into a child's best interests.

14 In this case, I think that there is at least one basis on which I would ordinarily have jurisdiction to determine O's best interests. HMM lives in Johannesburg and O was born here. In terms either of section 21 of the Act (if he was not married to DM) or section 20 (if he was), HMM acquired his parental rights and responsibilities over O in Johannesburg when O was born. On that basis alone he would ordinarily be entitled to engage my jurisdiction.

15 It is nevertheless necessary to consider whether it would be in O's best interests for me to decide where his primary residence should be. Nobody suggests otherwise. An extensive investigation has been carried out, involving the offices of the Family Advocate in the Eastern Cape, and in Johannesburg. Nobody wishes to supplement their reports, or to adduce any other information. I am satisfied that the material before me is sufficient to decide the question. While DM has struggled to obtain legal representation, no doubt due in part to the distance at which she now lives from Johannesburg, her counsel appeared before me and made full and helpful submissions on her behalf. I cannot see what O would have to gain from my refusing jurisdiction, only to put the parties to the effort and expense of starting the application afresh in the Eastern Cape in circumstances where they agree that, but for the technical objection to my jurisdiction, the matter is ripe for determination before me.

16 Accordingly, the objection to my jurisdiction fails.

O's primary residence

17 HMM relies squarely on the Family Advocate's report that recommends that O be removed from DM's care and brought to live with him at his home in

Johannesburg. DM criticises the report as insufficiently reasoned. In particular, DM says that the report's conclusions are not rationally connected to the evidence the Family Advocate herself gathered about O's living circumstances in the Eastern Cape.

18 In my view, DM's criticisms are well-made. The Family Advocate attaches little or no weight to the undisputed facts that O is settled and well-cared for in the Eastern Cape, that he has a very strong relationship with DM, and that there is no reason to believe that DM is not fit to provide him with the love, practical care, and material support he needs. The Family Advocate provides no reason to suppose that it could be in O's best interests to be uprooted from the home DM has made for him with her parents in the Eastern Cape. O is of a tender age. Other things being equal, what he needs most is the stability of a loving family, a consistent routine, access to education and an adequate base of material resources to support his needs. O has all that in the Eastern Cape.

19 If O were brought to Johannesburg, he would have to be separated from DM, who has nowhere suitable to live in Johannesburg, no means of support here, no job and no concrete prospect of getting one. There is no identifiable advantage to O in being subject to such a traumatic upheaval. HMM is considerably wealthier than DM, but that in itself does not justify O's relocation. The appropriate balance of considerations may in future change, when O is more mature, and more able to cope with a change in his residence. There may also come a time when his grandparents are unable to assist with his care (they are presently both reliant on chronic out-patient medical care). Perhaps O's residence will have to be revisited then. But, for now, I am

satisfied that O is happy and well provided for where he is, and that his relocation to Johannesburg could only imperil his well-being and development. In what follows, I give my reasons for reaching these conclusions.

<u>The status of the expert reports upon which HMM relies</u>

20 HMM relies primarily upon the Family Advocate's conclusions. The Family Advocate, however, places some reliance on Dr. D's report. HMM supports this approach, and any evaluation of the conclusions the Family Advocate reaches must engage with Dr. D's report, at least insofar as the Family Advocate relies upon it.

21 It is nevertheless important to emphasise that I am not bound by Dr. D's report, or by the Family Advocate's recommendation. I am entitled and obliged to satisfy myself that the conclusions reached in the report and the recommendation are the correct ones. This duty arises both from the fact that the question of what is in O's best interests is ultimately for me to decide, and from the well-known principles applicable to reliance on expert evidence of any nature. A court may not, and in fact must not, adopt expert conclusions merely because they commend themselves to common sense as the Judge sees it, or because they are consistent with the Judge's evaluation of other relevant evidence. Instead, a court must satisfy itself that the expert conclusions drawn in evidence placed before it are based on admissible facts, and that those conclusions can reasonably be drawn from those facts (see *Coopers (South Africa) (Pty) Ltd v Deutsche Gesellschaft für Schädlingsbekämpfung MBH* 1976 (3) SA 352 (A), 371F-H and *MV Pasquale Della Gatta* 2012 (1) SA 58 (SCA), paragraph 26).

22 Both Dr. D's report and the Family Advocate's recommendation obviously have an admissible factual substrate. They either conducted or relied upon interviews with both HMM and DM. Dr. D did not visit DM in the Eastern Cape, but she visited DM and O when they were still living in Boksburg. The Family Advocate's recommendation relied on reports from social workers who directly observed HMM and DM separately interacting with O in their respective home environments in Johannesburg and the Eastern Cape. The difficulty is instead that Dr. D's and the Family Advocate's conclusions are not sustained by facts marshalled in support of them. I deal first with Dr. D's report.

Dr. D's report

23 Dr. D was generally positive about both HMM's and DM's capacity to care for O, while noting the fact that HMM is significantly more able to pay for O's material needs than DM. Nevertheless, Dr. D, noted "concerns about both parents' mood and frustration tolerance capacity" and particularly about DM's psychological vulnerability (paragraph 333). Dr. D ultimately concluded that "[s]hared residency would be optimal" but accepted that "current geography precludes a simple alternating weeks model" (paragraph 325).

24 Given that she had to choose which parent should have primary residence, Dr. D recommended that O lives with HMM, while DM would have "as much contact as possible" with him (paragraph 336). That choice appears to have been driven by three observations: first that "[d]uring an interactional analysis and home visit [HMM] managed and regulated [O] better" (paragraph 334); second, that DM's "psychological vulnerability" was "a driver influencing her decision-making regarding contact between [O] and his father" (paragraph

333); and that there "were aspects of [DM's] attunement and responsiveness to [O] that seemed suboptimal" (paragraph 344). On reading Dr. D's report as a whole, it also appears likely that her conclusions were influenced by her suspicion that DM was deliberately preventing HMM from having contact with O (paragraphs 326, 328 and 330).

25 There are two basic flaws in Dr. D's report. The first is the report's failure to draw the obvious link between DM's psychological vulnerability and her precarious position in Johannesburg. Having been forced to leave the home she shared with HMM, DM was left to care for O at her sister's house without any obvious means of support. It is plain from the papers that HMM is not prepared to provide for any of DM's material needs. Nor can I say with any confidence that he has provided adequately for O's needs while O has been under DM's primary care. It was plainly a lack of material support that drove DM to relocate to the Eastern Cape in the first place.

26 Dr. D's report fails to consider the extent to which DM's psychological fragility was simply a function of her economic and social precarity. It seems to me to be important to avoid recasting what is essentially a practical economic problem as a pathology afflicting the party that has to deal with it. This is especially so in the context of disputes about care of and contact with a child. The more economically vulnerable parties in such disputes are almost always women, whose responses to their situation must be assessed in light of that vulnerability. It is too easy to jump to the conclusion that someone lacks psychological stability without considering whether the dominant explanation for their anxiety and any "suboptimal" behaviour that might flow from it is the

material vulnerability caused by the breakdown of a relationship which led to the custody dispute. If Dr. D was attuned to this reality, her report shows no evidence of it. In any event, whatever psychological fragility can fairly be attributed DM, Dr. D did not consider that it would prevent DM and HMM having shared primary residence with O had DM been able to stay in Johannesburg. It was, accordingly, at best, a marginal consideration.

27 The second major flaw in Dr. D's report is that it expressed a view without Dr. D having acquainted herself with O's home environment in the Eastern Cape. The report is dated 17 September 2025. At that point, O had been living in the Eastern Cape for about nine months. Dr. D's conclusions, however, are based on a home visit done while DM was still living with O in Boksburg. Dr. D did, it appears, see DM in her office in Johannesburg on 4 May 2025, and she conducted an interview with DM on 10 June 2025. Ms. de Wet, who appeared for HMM before me, accepted, however, that Dr. D had not visited DM and O in the Eastern Cape. It does not seem to me to be appropriate to rely on a report based on an assessment of an environment in which O and DM no longer live, especially since there are indications, to which I have already adverted, that DM's supposed unsuitability as a sole custodial parent were intimately linked to her lack of a settled home in Johannesburg. For a fuller picture of O's present home environment, therefore, it is necessary to turn to a further report based on such a visit.

<u>The report of the Eastern Cape family counsellor</u>

28 The Eastern Cape family counsellor, a Ms. S, visited DM and O at their home in the Eastern Cape on 10 February 2026. Ms. S is a registered social worker,

and her observations constitute the most up-to-date independent picture of O’s circumstances and well-being.

29 O is attending pre-school. According to his teacher, albeit in a view given via Ms. S, O is doing well at school. He appears to be well-cared for. He interacts well with his peers. He enjoys being at school. He has reached his age-appropriate developmental milestones. DM takes an interest in his progress (paragraph 7.2.1).

30 Ms. S. observed O’s interactions with DM, and saw no cause for concern: “[t]he overall interaction was good and no concerns were observed” (paragraph 7.3.5). O said that “he liked playing with his mother” (paragraph 7.3.6). O was “well-mannered and received boundaries from [DM] with a good attitude”. He had “an easy temperament”. DM “presented an authoritative parenting style” (paragraph 7.3.8). O “loves his mother a lot”. He “likes staying with at home with his mother and his grandfather” (paragraph 7.4.7). O nevertheless enjoys visiting HMM and obviously looks forward to doing so (paragraph 7.4.5). O has friends in his local area, whose houses he visits (paragraph 7.4.8).

31 While Ms. S refrained from making any concrete recommendation about where O should live, her overall evaluation is highly suggestive. O “has a good and close relationship” with DM, who “has always been his primary caregiver”. DM and O have “a positive and comfortable relationship”. O is “happy and bubbly” (paragraph 9.1.1). DM “fulfils her responsibilities the best way she can and she receives full support and assistance” from her family. DM accepts that O loves HMM and that HMM loves O. DM wants O and HMM to have a close

relationship (paragraph 9.3.2). DM plainly "has the capacity to care and provide for O's needs". Ms. S was unable to identify any risks to O's well-being (paragraph 9.1.3). O was "safe and secure in his mother's care and at the maternal home" (paragraph 9.1.4).

32 The picture Ms. S's report paints of O and DM's relationship is inconsistent with Dr. D's portrayal. It suggests that O is happy and settled in the Eastern Cape; that DM is a competent and loving mother; that all his needs are met; that O is at school and doing well there; that O is enjoying the care of an extended family; and that O has formed relationships with other children who he readily identifies as his friends. The obvious explanation for this inconsistency is that Dr. D's report was compiled when DM and O were in a state of flux, having been removed from the home they shared with HMM, and DM being unable to support herself or O in Johannesburg. Ms. S's report, however, presents DM and O as happy and settled in the Eastern Cape, with all of O's needs met. That can only be the result of DM's apparently wise decision to take O to live with her parents.

<u>The Family Advocate's recommendation</u>

33 There is, of course, much else in the reports underpinning the Family Advocate's recommendation. But none of it is directly relevant to my decision. I accept that HMM is capable of providing a happy and comfortable home for O in Johannesburg, which is upshot of the home visit conducted by the Johannesburg family counsellor. I decline to take a view on the myriad disputes between DM and HMM faithfully recorded in Dr. D's report and in the reports of the two family counsellors. I do not know where the truth lies on

these issues, since HMM’s and DM’s views are filtered through others, and are impossible to test on the papers before me. HMM obviously regards DM with profound suspicion. He thinks that she is using O as a bargaining chip to extract money from him – that she is intent on exchanging contact with O for maintenance to which he believes she is not entitled. HMM is critical of the way in which DM is providing for O’s needs in the Eastern Cape. He considers that his superior wealth places him in the best position to care for O. For her part, DM paints HMM as a controlling, interfering figure, who abandoned her and O after their separation, and who seeks a relationship with O only on his own terms. Nonetheless, DM says that she has no difficulty with HMM having contact with O, but that the contact must be regular, and structured having regard to O’s school commitments. There has plainly been some contact since DM and O moved to the Eastern Cape, but I cannot assess how regular it has been. DM would, no doubt, welcome regular and dependable financial support from HMM, but I am unable to assess whether she gets it and to what extent she may be entitled to it.

34 In any event, the only relevant question is whether, given that DM and O are happy and settled in the Eastern Cape, there is anything to be gained from changing O’s primary residence at this stage. The main problem with the Family Advocate’s recommendation is that it does not engage with this question. It proceeds as if HMM and DM are freshly separated, and the real question is who should be awarded custody against a background of shared primary residence.

35 Those are not the facts before me. For at least the last three years, O has been under DM's exclusive primary care. For the last eighteen months, O and DM have enjoyed a happy and settled life in the Eastern Cape. The Family Advocate's recommendation acknowledges these facts, but attaches virtually no weight to them. It places extensive reliance on Dr. D's report without acknowledging just how out-of-date that report is. It virtually ignores Ms. S's report. It blandly concludes that O's relocation to the Eastern Cape "is not in the child's best interests" (paragraph 69), while attaching no significance to the reality that the relocation has now happened. The question is not whether O should move to the Eastern Cape. The question is whether there is anything to be gained from forcing him to move back to Johannesburg after a year-and a-half of living there. On that point, the Family Advocate appears to accept that HMM's superior financial position makes him the better caregiver. I cannot agree that this is all there is to the question.

36 A final but important unexplored issue in the Family Advocate's recommendation is the relative ease with which either parent would be able to exercise any rights of contact they may ultimately have. On the papers, it seems clear that DM lacks the resources to travel regularly to Johannesburg to see O, but HMM labours under no such incapacity. It is well within his means to travel regularly to the Eastern Cape, or to bring O up to Johannesburg. During argument, the probability that moving O to Johannesburg would risk depriving O of regular contact with DM was all but conceded when HMM tendered to pay for DM's reasonable travel costs to visit O in Johannesburg if he relocates here. That was obviously a step in the right direction, and I mean

no criticism of HMM when I point out that this issue received no consideration at all in the Family Advocate's recommendation.

37 For all these reasons, I decline to endorse the Family Advocate's report. It asks the wrong questions and comes to a predictably flawed answer.

38 In my view, the best analysis is that O should remain where he is for the time-being. There is no warrant to uproot him from an environment in which he is now happy and settled, and to remove him from the only primary caregiver he has ever known. The application to make the Family Advocate's recommendation and order of court will be dismissed.

Contact

39 During argument, it was conceded that there is no regular and predictable contact regime in place which acknowledges the fact of O's primary residence in the Eastern Cape. Absent a one-sided analysis of the parties' competing contentions about HMM's conduct to date, which I decline to adopt, I have no reason to doubt that HMM is a loving father and that O wants and needs as much regular contact with him as is reasonably possible. It is in O's best interests that his contact with HMM be placed on a clear and regular footing as soon as possible. Now that I have ruled that O's residence will remain in the Eastern Cape with DM, I will invite the parties to agree an appropriate regime of contact between O and HMM. If no such regime can be agreed, the parties will be invited to advance their competing submissions on HMM's contact with O, after which I shall issue an order providing for a fair and regular regime of contact between them.

Order

40 Accordingly –

40.1 The application to have the Family Advocate's recommendation made an order of court is dismissed.

40.2 It is directed that O's primary residence will remain with the respondent at their home in the Eastern Cape.

40.3 The parties are invited, by no later than 5 June 2026, to submit an agreed order regulating the applicant's contact with O, for as long as O's primary residence remains in the Eastern Cape.

40.4 Failing an agreed order, each party is directed to file written submissions and, if necessary, an affidavit of no more than 20 pages, setting out their preferred regime of contact between O and the applicant, by no later 13 June 2026.

40.5 Each party will pay their own costs to date.

[redacted]

S D J WILSON
Judge of the High Court

This judgment was prepared by Judge Wilson. It is handed down electronically by circulation to the parties or their legal representatives by email, by uploading it to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 19 May 2026.

HEARD ON: 7 May 2026

DECIDED ON: 19 May 2026

For the Applicant:	L de Wet Instructed by ST Attorneys
For the Respondent:	Z Raqowa Instructing Setlhako Attorneys Inc