

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

CASE NO: 59948/14

DATE: 17 SEPTEMBER 2014

In the matter between:

Y[...] C[...]

APPLICANT

and

P[...] S[...] C[...]

RESPONDENT

ORDER

KHUMALO J

[1] This is an Application in terms of Rule 43 of the Uniform Rules of this Court, brought by a wife (“the Applicant”) against the husband (“the Respondent”), seeking an order regulating the access and maintenance of the minor child born of their marriage, a boy aged 6, pending finalisation of the Divorce action.

[2] Having heard Counsel, read the documents filed of record, considered and had due regard to the authorities referred to in Counsel’s submissions:

[3] I hereby make the following order:

Pendente Jite, it is ordered that Respondent:

[3.1] pay to the Applicant monthly an amount of R3 000 in respect of maintenance for the minor child, Pieter Schalk Cottle (Jnr),

[3.2] pay to the Applicant monthly an amount of R4 500 as contribution towards Applicants monthly

expenses,

which payments shall be made on the first day of the month following on this order and on the first day of each and every successive month thereafter.

[3.3] retain both Applicant and the minor child on his medical aid scheme and shall be responsible for any shortfall not covered by the scheme in respect of the minor child.

[3.4] shall be responsible for the payment of school fees and all other school related expenses, books, stationery, extra murals, sport clothes, excursions and tours.

[3.5] pay an amount of R5 000.00 to the Applicant for contribution towards Applicant's legal costs occasioned by the Divorce, to be paid in monthly instalments of R1000 on or before the first of each month directly to the Applicant with the first payment on the first of the month following this order.

[3.6] to continue to make available to the Applicant at his cost the use of the Toyota Hilux vehicle that the Applicant is presently using until the main action.

AND *Pendente lite* and Pending the approval/ recommendation of the Family Advocate.

[3.7] That full parental responsibilities and rights as provided in Section 18 of the Children's Act 38 of 2005 pertaining to care, contact, guardianship and maintenance of the minor child are granted to both the Applicant and Respondent;

[3.8] That primary residence of the minor child remains with the Applicant.

[3.9] That the Respondent shall exercise reasonable rights of contact in respect of the minor child as follows:

[3.9.1] The Respondent will remove the minor child from school every Wednesday afternoon at 17h00 and return him to school on Thursday morning.

[3.9.2] Every alternative weekend Respondent will collect the child by arrangement with Applicant from school on Fridays at 14h00 or absent such an arrangement from Applicant at 17h00 and return the minor child to the Applicant on Sunday at 19h00.

[3.9.3] The Respondent will have the minor child every second weekend from after school until Sunday at 17h00 when he must return the Minor Children to the Applicant.

[3.9.4] Every alternative school holidays to be divided equally between the parties

[3.9.5] The Respondent may have reasonable telephonic contacts with the minor child on a daily basis not exceeding 15 minutes not later than 19h00.

4. The costs of this Application are to be costs in the cause of the main action and the fee limitations imposed by Rule 43(7) and 43(8) are waived.

N V KHUMALO J

JUDGE OF THE HIGH COURT

GAUTENG DIVISION: PRETORIA