

**IN THE HIGH COURT OF SOUTH AFRICA****(WESTERN CAPE HIGH COURT, CAPE TOWN)****CASE NUMBER:**

2718/2010

5 **DATE:**

7 APRIL 2010

In the matter between:

**J M KARODIA**

Applicant

and

10 **ASA ABBASS**1<sup>st</sup> Respondent**MOHAMED H ABBASS**2<sup>nd</sup> Respondent**FAIMIEDA ABBASS**3<sup>rd</sup> Respondent

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**J U D G M E N T**

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**NDITA, J:**

In this matter, having read the papers filed of record and having heard argument for both counsel for the applicant and respondent, it is hereby ordered that the applicant's non-compliance with the rules of this Court, relating to form, time, period and service, is hereby condoned. A *rule nisi* is hereby issued calling upon the respondent to show cause, if any, at 10:00 on the 12<sup>th</sup> day of April 2010, or so soon thereafter, as counsel may be heard why the following order should not be

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issued.

1. Amending the paragraphs of the concerned argument B1 to 3, which was made an order of this Court on 11 March and such provisions that are to be amended by nullifying them, are as follows:

(a) The respondent shall be entitled to have the children for one weekend per month from 17:00 on the Friday until 17:00 on the Sunday, and for that purpose may cause the children to fly to Durban, in which event the respondent shall take whatever steps are reasonably necessary to assist with such arrangement, such to include causing the children to be transported to the airport in time for their flight, alternatively allowing the applicant's duly appointed representative in Cape Town to make such arrangements.


(b) He shall be entitled to have the children with him for every alternate short school holiday. The first such visitation to take place during April 2010 school holidays. Shall be entitled to have the children with him for one half of every alternate long school holidays, the first of which shall be the first half of the July

holidays and the parties shall alternate thereafter. The provisions that I have read out are hereby nullified pending the return date on the 12<sup>th</sup> day of April 2010.

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It is, therefore, ordered that this *rule nisi* shall operate as an interim interdict with immediate effect, pending the return date of this application. Costs are reserved for later determination.

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NDITA, J