

SOUTH AFRICA / JUDGMENT

Dijkstra v Brinkhuis (16193/2008) [2011] ZAWCHC 236 (25 May 2011)

[2011] ZAWCHC 236**COURT**

Western Cape High Court, Cape Town

BEFORE

Weinkove, AJ

CASE / FILE NUMBER

16193/2008

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**IN THE HIGH COURT OF
SOUTH AFRICA
(WESTERN CAPE HIGH
COURT, CAPE TOWN)
CASE NO: 16193/2008**

DATE: 25
MAY 2011

In the matter between: DIRK JAN DIJKSTRA
.....Plaintiff
and
VIVIENNE GETRUDE
BRINKHUIS
.....Defendant

In the matter between: DIRK JAN DIJKSTRA
.....Plaintiff
and
VIVIENNE GETRUDE
BRINKHUIS
.....Defendant

JUDGMENT

WEINKOVE, AJ: In this matter I gave very full reasons for judgment in an ordinary matrimonial matter and I have reconsidered my judgment in the light of the application for leave to appeal and I do not consider that there is any prospect that another Court will hold that the respondent is only entitled to receive rehabilitative maintenance for a fixed period and I do not consider that another court will uphold the complaints raised by the respondent in this matter. I am informed furthermore that I omitted in giving my judgment to grant a decree of divorce and in order to correct that mistake in my order in terms of Rule 42, there will be a decree of divorce and that will be incorporated in my reasons for judgment. The application for leave to appeal is REFUSED WITH COSTS and I record that the respondent counsel has placed on record that in the event of a petition being filed, the applicant (Plaintiff) will consider himself bound by the provisions of the existing Rule 43 order so that there is no need for the grant of a application in terms of Rule 49(11) for leave to execute pending the decision of a court on a petition. WEINKOVE, AJ

JUDGMENT

WEINKOVE, AJ:

In this matter I gave very full reasons for judgment in an ordinary matrimonial matter and I have reconsidered my judgment in the light of the application for leave to appeal and I do not consider that there is any prospect that another Court will hold that the respondent is only entitled to receive rehabilitative maintenance for a fixed period and I do not consider that another court will uphold the complaints raised by the respondent in this matter.

I am informed furthermore that I omitted in giving my judgment to grant a decree of divorce and in order to correct that mistake in my order in terms of Rule 42, there will be a decree of divorce and that will be incorporated in my reasons for judgment.

The application for leave to appeal is REFUSED WITH COSTS and I record that the respondent counsel has placed on record that in the event of a petition being filed, the applicant (Plaintiff) will consider himself bound by the provisions of the existing Rule 43 order so that there is no need for the grant of a application in terms of Rule 49(11) for leave to execute pending the decision of a court on a petition.

WEINKOVE, AJ

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