

SOUTH AFRICA / JUDGMENT

Gumbi v Goba (4195/07, 3138/10) [2010] ZAKZPHC 101 (11 November 2010)

[2010] ZAKZPHC 101

COURT

Kwazulu-Natal High Court, Pietermaritzburg

BEFORE

Steyn

CASE / FILE NUMBER

4195/07, 3138/10

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IN THE KWAZULU-NATAL HIGH COURT, PIETERMARITZBURG REPUBLIC OF SOUTH AFRICA

Case No: 4195/07 &

3138/10

In the matter between

Kwanele GumbiPlaintiff

And

Thuthukile Imaculate GobaDefendant

ORDER

Delivered on: 11 November 2010

STEYN J

1. The final divorce order issued by the Honourable Mr Justice Mnguni AJ, as he then was, is hereby varied:

2.1 It is in the interests of the minor children Khethelo Gumbi, a girl born on the 11 December 2004, and Zulu Gumbi, a girl born on 8 May 2006, that both parties be awarded full parental responsibilities and rights in terms of sections 18, 19 and 20 of the Children's Act, 28 of 2005 in respect of the said minor children; and

2.2 That the primary residence be shared equally between the parties and with the children to reside with one parent from after school on the Monday and to be returned to school on the following Monday with the other parent to have the children from after school on that Monday and return to school on the following Monday; and

2.3 It is ordered that the shared residence principle be implemented from Monday 15 November 2010, i.e. the children will reside with the plaintiff Mr Gumbi from 15 November 2010 and on 22 November 2010, they will reside with the defendant Dr T Goba and thereafter it will proceed as stipulated in paragraph 2.2; and

2.4 The parties shall proceed to make joint decisions in relation to the following aspects of the children's lives:

- (a) major decisions about their schooling and tertiary education; and
- (b) major decisions about their mental health care and medical care.

2.5 Any school which the children attend should be informed that the parties are co-holders of parental rights and therefore jointly involved in all educational issues concerning the children and that each party is entitled to discuss issues relating to the children directly with the teacher concerned and shall be entitled to receive school reports and assessments and notices, and attend school related events.

2. The words under 4 of the aforementioned order are hereby deleted.

3. Defendant is directed to pay the costs of this action.

Steyn, J

Date of Hearing: 29 October 2010

Date of Order: 11 November 2010

Counsel for the plaintiff: Adv B Skinner SC

Instructed by: Shepstone & Wylie

Counsel for the defendant: Adv R Singh

Instructed by: Nompumelelo Radebe Inc.

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