

SOUTH AFRICA / JUDGMENT

H.R.V.D.M v C.J.C.V.D.M (2022/27049) [2023] ZAGPJHC 1018 (11 September 2023)

[2023] ZAGPJHC 1018

COURT

South Gauteng High Court, Johannesburg

BEFORE

Wright

CASE / FILE NUMBER

2022/27049

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IN

THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION,

JOHANNESBURG

CASE

NO: 2022/27049

NOT REPORTABLE

NOT OF INTEREST TO

OTHER JUDGES

NOT REVISED

11/09/23

In the matter between:

H.R.V.D.M

Applicant

And

C.J.C.V.D.M

Respondent

JUDGMENT**WRIGHT J**

1. The applicant man and the respondent woman are married but a divorce action is pending. They have a 2 year old boy who resides with his mother. The applicant seeks to extend his access to the boy. At present he sees the boy on a Sunday for 7 hours.
2. He makes the bald allegation in his founding affidavit that he is not addicted to alcohol or other substances.
3. The answering affidavit of the respondent makes serious allegations. She says that the applicant is depressed, addicted to alcohol and has had suicidal thoughts and that he has been admitted to hospital for these problems.
4. In reply, the applicant attaches a clinical psychologist's letter, confirming that the applicant was admitted to hospital for acute stress reaction and depression. The psychologist says that there has been a full recovery and there are no symptoms of alcohol abuse.
5. This evidence should have been in the founding affidavit.
6. In my view, it would be unwise to interfere with current arrangements pending a Family Advocate report.

ORDER

1. X as amended -

GC Wright

Judge of the High Court

Gauteng Division, Johannesburg

HEARD : 11 September 2023

DELIVERED : 11 September 2023

APPEARANCES :**APPLICANT**

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