
SOUTH AFRICA / JUDGMENT

Johnson and Another v Degenaar and Another (39906/2017) [2017] ZAECHGHC 103 (13 September 2017) [2017] ZAECHGHC 103

COURT

Eastern Cape High Court, Grahamstown

BEFORE

N G Beshe, J M Roberson

CASE / FILE NUMBER

39906/2017

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IN THE HIGH COURT OF SOUTH AFRICA

EASTERN CAPE DIVISION, GRAHAMSTOWN

CASE NO: 39906/2017

Date Heard: 12/09/2017

Date delivered 13/09/2017

In the matter between

JOHN-BARRY JOHNSON

1ST APPLICANT

ISABELLE MEIRING

2ND APPLICANT

and

CHANEL LOUISE DEGENAAR

1ST RESPONDENT

THE LEARNED MAGISTRATE NOMINE

OFFICIO IN THE CHILDREN'S COURT FOR

THE DISTRICT OF ALBANY IN CASE

NUMBER 14/1/4 – 66/2017

2ND RESPONDENT

ORDER

BESHE J:-

The following order will issue:

1. The applicants' non-compliance with the Rules of Court relating to service, time periods and forms is condoned.
2. The decisions of the second respondent of the 4th of September 2017 to;
 - 2.1 set aside the parental plan signed by the applicants on the 30th and 31st August 2017;
 - 2.2 not uphold the first applicant's application to be appointed primary carer of Phoenix Gabriel Meiring in terms of the parental plan;
 - 2.3 to dismiss the first applicant's application that Phoenix Gabriel Meiring be returned to the second applicant within 48 hours of the granting of an order, alternatively, for a period deemed meet by the Children's Court; and
 - 2.4 to extend the order granted by agreement on the 21st of July 2017,are hereby suspended pending the finalization of the applicants' review of the decisions of the second respondent dated 4th of September 2017;
3. The first respondent is directed to return Phoenix Gabriel Meiring to the second applicant within 48 hours of the granting of this order, pending the finalization of the applicants' review application against the second respondent's decisions of the 4th of September 2017;
4. The applicants are directed to institute the aforesaid review proceedings against the decisions of the second respondent of 4th September 2017 within ten (10) days of the date of this order, or such longer period as may be agreed between the parties, failing which the interdict and prayers (2) and (3) above shall finally lapse;
5. There is no order as to costs.
6. Reasons for this order are to follow.

N G BESHE

JUDGE OF THE HIGH COURT

ROBERSON J:-

I agree

J M ROBERSON

Appearances:

For the Applicants: Adv I J Smuts SC, instructed by Wheeldon, Rushmere & Cole Incorporated, Grahamstown

For the Minor Child: Ms J Hillier Grahamstown Justice Centre

For the 1st Respondent: Adv S Sephton with Adv M Finn Legal Resources Centre, Grahamstown

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